12 1950 State Supreme Court (Louisiana)

LA. HIGH COURT MAKES FAVORABLE DECISIONS

By JAMES H. LAFOURCHE

NEW ORLEANS, (ANP)—Two momentous decisions upholding the U. S. Constitution were handed down in favor of Negroes by the Louisiana State Supreme Court here last week. In one case, the high tribunal freed Allan Nichols, who had been convicted of manslaughter. In the other case, it granted a new trial for Edward (W. T.) Honeycutt, who gained national prominence by escaping from a St. Landry Parish lynch mob, and was convicted and sentenced to death for aggravated attack of a woman.

Nichols had been sentenced to serve [illegible] and 10 months for the Christmas, 1948, slaying of Earl Goff.

The high court, in an opinion by Associate Justice Harold A. Moise, reversed the conviction and sentence of Allan Nichols, in Avoyelles Parish, on the grounds that Negroes [illegible] excluded from the grand and petit jury panels in that parish.

FOLLOWS U. S. COURT

The decree, Justice Moise pointed out, was in keeping with decisions of the U. S. Supreme Court.

"We have no doubt, "he said, "that the jury selected [illegible] gave to the accused a fair trail and that the state officials were in good faith and well-intending, but our U. S. Supreme Court is a judicial planet whose orbit draws into its vortex and findings of all state supreme courts involving all federal constitutional questions, which must be obeyed in order to maintain the law in its majesty of final decisions."

The conviction and sentence were set aside and the indictment against Nichols was quashed under the high court decree.

Edward Honeycutt, convicted and sentenced in St. Landry parish in May, 1949, for the Dec. 1, 1948 attack of a woman at Eunice, La., was granted a new trial by the state Supreme Court because the state, in the trial before Judge Stanley P. Gardiner, failed to offer rebuttal testimony to refute charges by Honeycutt that he had been beaten and threatened before he confessed to the crime.

"We are not called upon," the majority opinion by Associate Justice Frank W. Hawthorne said "to [illegible] whether the confession was obtained by means of threats or [illegible] and to this we express no opinion.

"But we do conclude that there was not sufficient proof on the part of the state of its voluntary character since there was no testimony on the part of the various officers who were present in the jail with the deputy and prisoner on the night of his arrest to refute his specific charges of threats or mistreatment."

U.S.Judge Restains Brotherhood

ALABAMA FIREMEN WIN RAIL BIAS SUIT.

Birmingham,Ala.- A "seniority" rights suit by Negro Locomotive Firemen instituted against the Brotherhood of Locomotive Firemen and Enginemen was upheld by a Federal district judge here Thursday,March 30,following a hearing.
Judge Clarence Mullins ruled that the present contract designed by the union does not properly represent the Negro firemen.Negroes cannot belong to the union.
The firemen are employes of the Gulf, Mobile and Ohio Railroad.
UNPROMOTABLE
The move came after three Negro railroad firemen had sued both the union and the railroad on the grounds that they had not been given seniority rights and that they had been listed as "Unpromotable" from firemen to engineers by an agreement between the railroad and the brotherhood union.
Judge Mullins has been hearing the case since Monday.He indicated that he would enjoin the union from enforcing its present contract "in so far"as it deprives Negro railroad friemen of their seniority rights."
The Federal judge added that hw was not satisfied as to whether the railroad was involved in any conspiracy charged.
The firemen were represented by Attys.Jerome Cooper and Hugo L.Black,Jr.,sone of the U.S. Supreme Court Associate Justice Hugo L.Black,Sr.

Courier
Sat. 4-8-50
Pittsburgh,Pa.

12b 1950

State Supreme Court (Alabama)

Negroes Petition Court In Fight To Skip State Bar Examination

MONTGOMERY, Ala., Jan. 27—(AP)—Four Alabama Negroes asked the State Supreme Court today to use its "inherent power" to let them practice law without taking a bar examination.

Because of Alabama's segregation statutes, they contended they are denied this legal right which is given graduates of the University of Alabama law school. No decision is expected for several weeks.

The petitioners — Manley E. Banks, Henry C. Moss, Clarence E. Moses and Henry L. Pearson, all of Birmingham—were present in the courtroom during the hearing.

They presented certificates showing they completed their legal training at Howard University in Washington, D. C., and Lincoln University at St. Louis. State funds helped them finance the course.

Harold Cook, Birmingham attorney representing the State Bar Commission, asked that the petition be thrown out on grounds the Supreme Court has no jurisdiction in cases of this kind.

* * *

THE COURT DECIDED not to restrict arguments to this motion alone and heard the case on its merits.

Cook said the four Negroes should have taken their case into Circuit Court first, not direct to the Supreme Court, since an interpretation of state statutes is involved.

Arthur Shores, a Negro lawyer from Birmingham, disagreed. He said the Supreme Court has final and absolute power to say who is allowed to practice law in the state.

The bar commissioners, he said, can act as agents of the court in determining the fitness of those who seek to practice law, but their findings are not binding on the court.

Cook argued there is a matter of "public rights" involved which is of paramount importance. The examination requirement, he said, is designed to protect the public against lawyers not qualified to practice "regardless of race."

* * *

"IT IS PRE-SUPPOSED," Shores answered, "that a person otherwise qualified to practice law and applies to practice in Alabama will have prepared himself on the laws and pleadings of this state."

Lawrence Gerald, of Clanton, Secretary of the Bar Commission, outlined the history of requirements for a license to practice law in the state.

"The Board of Bar Commissioners," he said, "has been given exclusive right by the Legislature to set up standards of admission and no one is entitled to practice law unless he meets them."

Shores conceded that the four Negroes never applied for admission to the University of Alabama.

He said the university did approve their pre-law training and that Howard and Lincoln acted as agents of Alabama University in providing law school instruction.

* * *

THE FOUR NEGROES received state funds under an out-of-state scholarship arrangement to pay for professional training not available to them in Alabama.

Shores said state warrants were paid direct to the two out-of-state schools for the petitioners.

The Negro attorney argued that unless Negro students who complete law studies outside the state are allowed to practice without taking an examination "they are denied equal rights and protection under the law."

State Supreme Court Hears Negro Lawyers' Equal Status Plea

MONTGOMERY, Ala., Jan. 28—Equal status for Negro law school graduates with graduates of the University of Alabama's law school was asked in a suit now before the Alabama Supreme Court.

The action was brought before the high court by four Birmingham Negroes who wish to practice law in Alabama without taking a bar examination.

* * *

NO DECISION is expected for several weeks, since the State Bar Association has 15 days in which to file answering briefs.

Under state law, graduates of the University of Alabama, which is restricted to white students, do not required to take bar examinations.

The Negroes, Manley E. Banks, Henry C. Moss, Clarence E. Moses and Henry L. Pearson, completed their law training outside Alabama with state aid.

Atty. Arthur Shores, representing the four, did not contest the right of the Bar Association to fix qualifications, but he argued that the Supreme Court has the final say-so.

* * *

HE SAID THAT unless Negro students who finish law training outside the state receive equal status with graduates of the University of Alabama law school, he said, "they are denied their rights and protection under the law."

Shores pointed out that the Florida Supreme Court ruled last year that Negroes who finish their legal training outside the state under a scholarship plan similar to Alabama's can practice law without taking a bar examination.

Four Negroes In High Court, After Right To Practice Law

Can a Negro law school graduate who gets his training somewhere else with state aid practice law in Alabama without taking a bar exam?

This controversial question was dumped in the lap of the State Supreme court Friday by four Alabama Negroes.

No decision is expected for several weeks since the State Bar Association has 15 days to file answering briefs.

The Negroes—Manley E. Banks, Henry C. Moss, Clarence E. Moses and Henry L. Person, all of Birmingham—were interested spectaters during the hearing.

Secretary Lawrence Gerald of the State Bar Association was allowed to make a statement explaining admission requirements.

"The board of bar commissioners," he said, "has been given exclusive right by the legislature to set up standards of admission and no one is entitled to practice law unless he meets them."

Negro Attorney Arthur Shores of Birmingham did not contest the right of the Bar Association to fix qualifications, but he argued that the supreme court has the final say-so.

Unless Negro students who finish law training outside Alabama are given equal status with graduates of the University of Alabama law school, he said, "they are denied their rights and protection under the law."

This, he added, is clear violation of the 14th amendment of the Federal constitution.

Alabama has no state-supported law school for Negroes. The legislature, since 1945, however, has provided out-of-state scholarships for professional training not available in Alabama.

Harold Cook of Birmingham, bar association lawyer, argued that the Supreme court has no jurisdiction in cases of this kind.

The petitioners, he said, should have taken their case into circuit court first, since an interpretation of state statutes is involved.

Cook said the examination requirement was set up to protect the public against lawyers not qualified to practice in this state "regardless of race."

He drew from opposing counsel an admission that the four Negroes had never formally applied for admission to the University of Alabama.

Shores conceded this, but said the university did approve their pre-law training. Howard University in Washington, D. C., and Lincoln University at St. Louis where they studied, acted as agents of the state in providing their law instruction, he said.

The Negro attorney offered certificates of the bar association as to the "fitness and character" of the petitioners, giving them the right to take the bar examination.

Shores said it is pre-supposed that anyone who applies to practice law in Alabama will have prepared himself on the law and pleadings of this state.

He said the Florida Supreme court ruled last year that Negroes who finish their legal training outside the state under a scholarship plan similar to Alabama's can practice law without taking an examination.

"We are only asking," he said, "that our people be given equal professional opportunities to those given them in Florida and other states."

Under the Florida Supreme court ruling, he said, Negroes who use state scholarships have only to show their diploma from the out-of-state law school to be admitted to the bar.

Hearing On Negroes Bar Exams Delayed

MONTGOMERY, Ala., Jan. 18—A Supreme Court hearing on four Negroes' pleas that they be allowed to practice law in Alabama without taking bar examinations has been postponed until Jan. 21.

The 10-day postponement was announced yesterday. Court officials said a heavy docket of Eighth Division cases made it necessary that the hearing be put off.

All four Negroes hold law degrees from out-of-state universities. They contend that they are entitled to practice without passing bar exams since they were excluded from the University of Alabama law school because of their race.

* * *

ONLY GRADUATES of the university's law school are allowed to practice in Alabama without taking the exams.

Three of the petitioners, Clarence E. Moss, Henry C. Moss and Manley C. Banks, are graduates of Howard University, in Washington.

The fourth, Henry L. Pearson, was graduated from Lincoln University, St. Louis.

All four are from Birmingham.

12b 1950

State Supreme Court (Maryland)
Esther McCready - University of Maryland

Court Says She Can Attend Md. U.

Miss Esther McCready, 19-year-old honor graduate of Baltimore's Dunbar High School, who was the plaintiff in the NAACP-sponsored suit against the U. of Md. The State's highest court, the Court of Appeals, ruled last week that Miss McCready must be admitted to the university's school of nursing.

Court of Appeals Reverses City Judge

Orders Admission of First Tan Student to School of Nursing

BALTIMORE

In a far-reaching decision, last Friday, the Maryland Court of Appeals ruled that the University of Maryland must admit Miss Esther McCready of this city to its School of Nursing.

It was the first test of racial discrimination in educational facilities the Appellate Court has been called upon to decide since 1936, when it ordered Donald G. Murray of Baltimore, Amherst College graduate, admitted to the University of Maryland Law School.

Follows High Court's Edicts

The court's ruling in the McCready case was in full accordance with two Supreme Court decisions:

1. The historic Lloyd Gaines case, involving Gaines's admission to the University of Missouri Law School, and based on the provision of equal educational facilities within the State; and

2. The case of Mrs. Ada Sipuel Fisher, involving her admission to the University of Oklahoma Law School and based on the provision of equal facilites for colored applicants "as soon" as they are provided for white applicants.

City Court Reversed

The Appellate Court's decision reversed that of Chief Judge W. Conwell Smith, of the Baltimore City Court, and ordered the issuance of a writ of mandamus to compel Miss McCready's admission to the University's School of Nursing.

In the opinion written by Judge Charles Markell, the court ruled that the State cannot require a colored student to accept a scholarship at an out-of-State institution for courses offered to white students within the State.

Effects Three-Fold

This decision affects the University's Schools of Medicine, dentistry, engineering, and those for graduate studies.

Its immediate effects are three-fold:

1. It prohibits the University of Maryland from continuing its ban against the admission of colored students to its graduate and professional schools.

2. It virtually nullifies the Southern Regional Education Compact, fostered by Southern Governors.

3. It outlaws Maryland's Scholarship Plan for out-of-State students.

The Appellate Court's decision is bound to influence decisions in six other cases pending in the lower court.

These involve the admission of colored applicants to the Schools of Dentistry and Pharmacy in Baltimore, and the Colleges of Engineering and Home Economics at College Park.

First Compact Test

The McCready case was the first to be instituted concerning use of the regional educational program for white and colored students.

The legality of the Regional Compact itself was not an issue. Maryland is a party to the compact.

The State is now spending some $150,000 annually under its out-of-State scholarship program for subsidizing tuition, travel and living costs of colored students eligible for admission to the University of Maryland.

Ruling in Gaines Case

The Supreme Court ruled in the Gaines case that the State of Missouri could not require Gaines to attend an out-of-State school to obtain a legal education while it was offering such education to white students.

It decreed that the State had to admit Gaines to the University of Missouri School of Law or provide separate equal training for him within the State.

In Mrs. Fisher's case, the high tribunal [illegible] decision in the Gaines case by holding that the State of Oklahoma had to afford her legal education offered at a State institution, at the same time as it afforded such education to white students.

Court Quotes Hughes

The Maryland court quoted at length from the opinion of the late Chief Justice Charles Evans Hughes in the Gaines case, and quoted in its entirety an order of the Supreme Court in the Fisher case.

"We cannot subtract anything from what the Supreme Court has said," the Maryland court concluded. "It would be superfluous to add anything."

(The full text of the McCready decision appears on page 13 of this edition).

Miss McCready filed application for admission to the University of Maryland School of Nursing on Feb. 1, 1949.

Lower Court's Ruling

When the governing board and officers of the university failed to act on her application, she filed a petition for mandamus to compel consideration and action on her application.

Dismissing her petition, Judge Smith ruled that the State afforded Miss McCready equal educational opportunities when it offered her a nursing course at Meharry Medical College School of Nursing.

Meharry Contract Cited

The Board of Control for Southern Regional Education, an agency created by regional compact, entered into a contract with Meharry Medical College through which Maryland was given a quota of three first-year students in nursing education at Meharry.

The University of Maryland, last August, offered Miss McCready a course in nursing at Meharry at a total overall cost to her, including living and traveling expenses, not in excess of the cost to her in attending the University of Maryland School of Nursing.

Regional Group Balks

According to testimony offered at the trial in the Baltimore court, the Nursing School at Meharry is superior to the University of Maryland Nursing School.

The Board of Control for Southern Regional Education objected to being involved in the McCready case in which it intervened. It declared that:

"It is not the purpose of the board that the regional compact and the contracts for educational services thereunder shall serve any State as a legal defense for avoiding responsibilities established or defined under existing State and Federal laws and court decisions."

Murray on Defense Staff

On this phase of the case, the Maryland Court of Appeals said: "Obviously no compact or contract can extend the territorial boundaries or the sovereignty of the State of Maryland to Nashville."

Donald G. Murray, a Baltimore lawyer who graduated from the University of Maryland School of Law after Maryland courts had ordered his admission, was one of the attorneys for Miss McCready.

No Room for Doubt

In the Murray case, the court left open the question whether sending a colored student outside the State met the requirement of "equal protection of the laws," which left arguable whether there was a difference between the study of law and the study of nursing.

Since the Murray case, the Maryland court pointed out, the question left open has been passed on by the Supreme Court and "foreclosed in a way that permits no distinction between the study of law and the study of nursing."

Attorney General Hall Hammond said he did not know whether the Appellate Court's decision would be appealed, that it would be up to his "client," Dr. N. C. Byrd, president of the university, to decide.

Dr. Byrd said the question of an appeal is for the Board of Regents to decide, and he expected them to discuss it at a special meeting called for another purpose Sunday at College Park.

The Sun's Reaction

The reaction of the Baltimore Sun to the Court of Appeals decision was a suggestion that since it took the colored people 14 years from the time they were admitted to the Law School to get a decision permitting them to enter the School of Nursing that some way might be found to beat around the bush so that it will be another 14 years before colored people could get into some other department of the university.

The State Commission now studying higher education of colored people within the State has been meeting regularly for the past six months but has come to no conclusions.

Byrd Favors J-C Schools

President H. C. Byrd of the University of Maryland said if he were permitted to handle things himself he could easily set up separate institutions for colored people under the direction of the University of Maryland.

More realistically the Baltimore Sun pointed out that "at present all schools of the University of Maryland must be thrown open to qualified colored students, or the State must scramble around and try to establish a full duplicate but separate set of schools of higher education for colored people."

It must do one or the other and the device of sending colored students out of the State at State expense on scholarships as a way of evading the issue is doomed.

Text of Ruling Slapping Regional Plan

The following is the text of the Maryland Court of Appeals decision in the case of Esther McCready vs. the University of Maryland:

This is an apeal from an order dismissing a petition for mandamus to require the governing board of the University of Maryland and officers of the univeristy and its School of Nursing to consider and act on petitioner's application made February 1, 1949, for admission as a first-year student in the School of Nursing, without regard to race or color, and admit her to the school upon her complying with the uniform lawful requirements for admission.

No material facts are in dispute. Petitioner is a Negro. She has all the educational and character requirements for admission. She was refused admission solely because of her race."

The School of Nursing is a branch or agency of the State government. It has been so held as to the Law School. University of Maryland v. Murray, 169 Md. 478, 483.

Ratified Regional Compact

In 1948, the State of Maryland and other Southern states, without the consent of Congress under Section 10 of Article 1 of the Constitution, entered into a regional compact, which was subsequently amended and, as amended, is set out in and was ratified by Chapter 282 of the Acts of 1949, effective June 1, 1949, relating to the developing and maintenance of regional educational services and schools in Southern states in the professional, technological, scientific, literary and other fields, so as to provide greater educational advantages and facilities for the citizens of the several states who reside within such region.

By arrangement pursuant to the regional compact, the State of Maryland has sent a number of white students to study veterinary medicine in a school in another state and has sent, or is willing to send, Negro students for the same purpose to a different school in another state. No instruction in veterinary medicine is offered by the University of Maryland or any other State agency in Maryland.

Pursuant to the original compact, a contact for training in nursing education, dated July 19, 1949, was made between the Board of Control for Southern Regional Education, "a joint agency" created by the regional compact, and the State of Maryland relating to nursing education of three first-year students from the State of Maryland in Meharry Medical College, School of Nursing, at Nashville, Tenn. Meharry Medical School and its School of Nursing receive Negro students only.

Declined Offer of Study

In August, 1949, the University of Maryland offered petitioner a course in nursing at Meharry Medical College at a total overall cost to her, including living and traveling expenses, which would not exceed the cost to her of attending the School of Nursing at the University of Maryland. Petitioner declined the offer.

From the uncontradicted testimony, in ample detail, of Dr. Pincoffs, since 1922 professor of medicine in the University of Maryland Medical School and chief physician at the University Hospital, and other witnesses called by respondents, it seems clear that in other educational facilities and living conditions the Nursing School at Meharry College is not only equal superior to the University of Maryland Nursing School.

The offer to petitioner of a course in nursing at Meharry Medical College, therefore, included every advantage except the one she now insists upon, viz., education in a State institution within the State of Maryland.

Respondents stress the regional compact and the contract for training in nursing education. The terms and details of these agreements are not now material. Neither agreement mentions race. We may assume, without deciding, that the compact is valid without the consent of Congress. Under the contract, the board are only agents—or ambassadors—to negotiate a contract for nursing education between the State of Maryland and Meharry Medical College. Obviously no compact or contract can extend the territorial boundaries or the sovereignty of the State of Maryland to Nashville.

City Law-School Ruling

In University of Maryland vs. Murray, supra, the court affirmed an order for the issue of the writ of mandamus, commanding the officers and governing board of the University of Maryland to admit the petitioner, a Negro, as a student in the law school. It was contended, among other things, that the State had discharged its obligation to the petitioner by providing certain scholarships at Howard University in Washington.

This contention was rejected because the petitoner had a "rather slender chance" of getting a scholarship and, if he got one, would be subject to traveling or living expenses to which he would not be subject at the University of Maryland law school.

The court, in its opinion by Chief Judge Bond, remarked, "And as the petitioner points out, he could not there have the advantages of study of the law of this State primarily, and of attendance on State courts, where he intends to practice." Supra, 486.

As has been indicated, this was not the ground of decision. In its opinion the court also said, "Whether with aid in any amount it is sufficient to send the Negroes tion is a question never passed on outside the State for like educa- by the Supreme Court, and we need not discuss it now." Supra, 487.

The statement last quoted from the opinion, by Judge Bond, in the Murray case left open the question whether it is sufficient to send Negroes outside the State for cation like that given white students in Maryland, and the remark first quoted left it arguable that in this respect there may be a difference between the study of law and the study of nursing.

Question Passed Upon

Law in Tennessee is not the same as law in Maryland; presumably a sound education in nursing is the same in Tennessee as in Maryland. The statement last quoted from the Murray case was of course correct when made, but it would not be correct im made now.

Since the Murray case the question there left open has been "passed on by the Supreme Court" and has been foreclosed in a way that permits no distinction between the study of law and the study of nursing.

In Missouri, ex rel. Gaines v. Canada, 305 U.S. 337, the court reversed a judgment of the Supreme Court of Missouri which denied a writ of mandamus to compel admission of a Negro to the University of Missouri Law School.

One of the grounds of the decision of the State court was that "adequate provision (had) been made for the legal education of Negro students in recognized schools outside of this State." Supra, 346.

The court, in its opinion by Mr. Chief Justice Hughes, referred at some length to the Murray case, quoted the above question specifically left open in that case (supra 345), and referred to the remark first above quoted and to similar contentions made in the Missouri case. Supra, 349.

After mentioning these contentions, the opinion brushed them aside and decided the question left open in the Murray case on broad grounds which are no less applicable to a school of nursing than to a school of law.

Cites Basic Consideration

"We think that these matters are beside the point. The basic consideration is not as to what sort of opportunities other States provide, or whether they are as good as those in Missouri, but as to what opportunities Missouri itself furnishes to white students and denies to Negroes solely upon the ground of color.

"The admissibility of laws separating the races in the enjoyment of privileges afforded by the State rests wholly upon the equality of the privileges which the laws give to the separated groups within the State.

"The question here is not of a duty of the State to supply legal training, or of the quality of the training which it does supply, but of its duty when it provides such training to furnish it to the residents of the State upon the basis of an equality of right.

"By the operation of the laws of Missouri, a privilege has been created for white law students which is denied to Negroes by reason of their race. The white resident is afforded legal education within the State; the Negro resident having the qualifications is refused it there and must go outside the State to obtain it.

"That is a denial of the equality of legal right to the enjoyment of the privilege which the State has set up, and the provision for the payment of tuition fees in another State does not remove the discrimination.

"The equal protection of the laws is 'a pledge of the protection of equal laws.' Yick Wo v. Hopkins, 118 U.S. 356, 369. Manifestly, the obligation of the State to give the protection of equal laws can be performed only where its laws operate, that its, within its own jurisdiction. It is there that the equality of legal right must be maintained.

"That obligation is imposed by the Constitution upon the States severally as governmental entities—each responsible for its own laws establishing the rights and duties of persons within its borders. It is an obligation, the burden of which cannot be cast by one State upon another, and no State can be excused from performance by what another State may do or fail to do.

"That separate responsibility of each state within its own sphere is of the essence of statehood maintained under our dual system. It seems to be implicit in respondents' argument that if other states did not provide courses for legal education, it would nevertheless be the constitutional duty of Missouri when it supplied such courses for white students to make equivalent provision for Negroes.

"But plain duty would exist because it rested upon the State independently of the action of other states.

"We find it impossible to conclude that what otherwise would be an unconstitutional discrimination, with respect to the legal right to the enjoyment of opportunities within the State, can be justified by requiring resort to opportunities elsewhere. That resort may mitigate the inconvenience of the discrimination, but cannot serve to validate it." Missouri, ex rel. Gaines v. Canada, 305 U.S. 337, 349-350.

Words Not Overruled

It would be bold indeed to suggest that the late Chief Justice ever used words without due regard for their meaning. His words might be subsequently overruled ora qualified by the court. But the words quoted have not been overruled or qualified.

On the contrary, a case from Oklahoma, essentially the same as the Missouri case, was argued on Thursday, January 8, 1948, and was reversed on the following Monday, with the following per curian opinion:

"On January 14, 1946, the petitioner, a Negro, concededly qualified to receive the professional legal education offered by the State, applied for admission to the School of Law of the University of Oklahoma, the only institution for legal education supported and maintained by the taxpayers of the State of Oklahoma.

"Petitioner's application for admission was denied, solely because of her color.

"Petitioner then made application for a writ of mandamus in the District Court of Cleveland county, Oklahoma. The writ of mandamus was refused, and the Supreme Court of the State of Oklahoma affirmed the judgment of the District Court. 100 Okla. 36, 180, P. 2d 135. We brought the case here for review.

"The petitioner is entitled to secure legal education afforded by a state institution. To this time, it has been denied her although during the same period many white applicants have been afforded legal education by the State.

"The State must provide for her in conformity with the equal-protection clause of the Fourteenth Amendment and provide it as soon as it does for applicants of any other group. Missouri ex. rel. Gaines v. Canada, 305 United States 337 (1938).

"The judgment of the Supreme Court of Oklahoma is reversed and the cause is remanded to that court for proceedings not inconsistent with this opinion.

"The mandate shall issue forthwith." Sipuel v. Board of Regents of University of Oklahoma 332 United States, 631, 632-633.

We cannot subtract anything from what the Supreme Court has said. It would be superfluous to add anything.

Order reversed, with cost, and case remanded with direction to issue the writ of mandamus as prayed, except as to changes required by lapse of time.

12c 1950

U.S. Inferior Court
VIRGINIA

Segregation In Schools Legal; But Pay For It, Court Rules

CIO News Washington, D.C.
12-c

ANY STATE that wants to practice segregation has to pay for it, the Fourth U. S. Circuit Court of Appeals in Richmond, Va., declared last week in ruling that students in the Negro high school of Arlington County (Va.) are discriminated against because of their race.

mem. 6-5-50

The decision reversed a District Court finding that facilities and courses offered at the county's two high schools—one for whites, the other for Negroes—balanced each other out and offered substantially equal treatment. The case was remanded to the lower court for further proceedings.

Circuit Judge Morris A. Soper, who wrote the opinion, held that the lower court ruling was "untenable," because the evidence showed clearly that differences between the schools "constitute unlawful discriminations against pupils of the colored race."

He held that the differences are something beyond the "merely unimportant variations incident to the maintenance of separate establishments."

U.S. Inferior Court

NOTING THE Virginia law making segregation in education compulsory, he declared:

Va.

"The burdens inherent in segregation must be met by the state which maintains the practice."

But cost, he held, is not a factor in determining if discrimination exists.

"Nor can it be said," he added, "that a scholar who is deprived of his due must apply to the administrative authorities and not to the courts for relief.

"An injured person must, of course, show that the state has denied him advantages accorded to others in like situations, but when this is established, his right of access to the court is absolute and complete."

EXAMINATION OF the physical plants showed, he said, that the white school has the best of it, including machine shops, science laboratories, libraries, music rooms, athletic plants, infirmaries and cafeterias. None of the "various extracurricular activities" at the white school are available at the Negro school, he added.

"The failure to provide these opportunities," he went on, "cannot be defended on the ground that their absence is mainly attributed to the size or location of the school."

The appellate court chided school authorities for offering some courses regularly at the white school, but requiring a demand for them before providing them at the Negro school.

"This difference in procedure cannot be sustained," Judge Soper wrote. "It places a burden upon the colored student and deprives him of the opportunity of taking a course of instruction unless he has determined to take it months in advance, whereas the white student may apply at the opening of the session and obtain the desired instruction."

Across the Potomac River from Arlington County, in Washington, the Fair Employment Practices Commission bill last week was still in the Senate's limbo. It is officially scheduled for revival in another two weeks, and in the interim spokesmen for labor and liberal groups, including the CIO, are attempting to persuade Senators to break through the Dixiecrat filibuster and force a vote on the measure on its merits.

NEGRO ORCHESTRA
LEADER WINS IN SUIT

Gadsden,Ala.-April 20-(AP)- A Jury in the U.S. District Court here Wednesday returned a verdict in favor of Louis T. Jordan, Nationally known Negro Orchestra leader, who was sued for $100,000 damages for a fatal traffic accident.The suit was filed by Mrs. Arre Patman, Pell City, on grounds her husband,William S.Patman, was struck and killed last Oct.8 by a car driven by Jordan.The accident happened on the Atlanta highway between Pell City and Eden. The jury returned a verdict for Jordan,of Harvey,Ill.,after deliberating about four hoursmJudge Seybourn H. Lynne assessed court costs against Mrs.Patman.

Advertiser
Fri. 4-21-50
Montgomery,Ala.

[illegible] Court Next May Be Asked [illegible] Rule Out All Segregation

By Paul M. Yost

[illegible]INGTON, June 10—(AP)— [illegible] Court probably will [illegible] in its next term to strike [illegible] knockout blow at [illegible] Negroes. [illegible]

[illegible] for the same tribunal for the [illegible] knockout blow.

The case would be one in which a State [illegible] truly equal facilities for Negroes and whites, and Negroes concede that the facilities are equal.

This would give Negroes the basis for a demand that the Supreme Court declare any and all segregation is in itself a form of discrimination and inequality which is banned by the Fourteenth Amendment.

The court also would be asked again to overturn an 1896 decision that segregation is constitutional as long as "separate but equal" facilities are provided for Negroes. The justices were asked to do this in the Oklahoma and Texas cases. But they did not, explaining it was not necessary to do so to decide the cases.

Vinson, in his opinion in the Texas University case put it this way:

"We have frequently reiterated that this court will decide constitutional questions only when necessary to the disposition of the case at hand, and that such decisions will be drawn as narrowly as possible."

There too, should the court take [illegible] new case in which white and Negro facilities are concededly equal, it could, of course, reaffirm the 1896 decision and uphold validity of separation of the races.

At the same time, a decision [illegible] and all segregation would [illegible] is the graver [illegible] than [illegible] one well-informed court observer said.

This is the unsolved question of the Supreme Court's power to enforce its rulings against a State. After 160 years of the court's existence [illegible] power is still doubtful.

Georgia Raises Question

The question was raised after Georgia's Governor Herman Talmadge in commenting on the Supreme Court's Monday decisions declared that "as long as I am your Governor, Negroes will not be admitted in white schools" (in Georgia).

Back in 1793 the Supreme Court upheld a damage claim filed against Georgia by two citizens of South Carolina. The Georgia House of Representatives replied to the Supreme Court's decision by passing a special bill.

The bill provided that any Federal marshal who tried to serve any paper issued by the Supreme Court in the damage case would be "guilty of felony and shall suffer death, without benefit of clergy, by being hanged."

No one was hanged, and the outcome of the case is obscure because the Eleventh Amendment to the Constitution was passed soon afterward and the case was largely forgotten. The amendment exempts a State from suit by a citizen of another State.

Southern railroads say they will comply with the Supreme Court's third segregation decision announced last Monday. In this case the court ordered an end to segregation of Negroes in dining cars. The issue was decided unanimously by all eight justices who took part. Justice Clark, the former Attorney-General disqualified himself.

In contrast to the railroads, Texas and Louisiana are expected to press a fight in Congress to overturn the Supreme Court's Monday decisions that the Federal government has top rights over their oil-rich tidelands. Pending legislation would give the States full title to their shore lands.

The unanimity of the rulings in the segregation cases not only gave encouragement to Negroes, they also gave support to Vinson's reputation as a harmony-maker.

The three decisions ran up to a total of 41 the number of cases disposed of last term by unanimous votes. The 41 unanimous votes came among 107 cases decided by formal opinions. In the previous term there were 37 unanimous decisions among 119 cases decided by the formal opinions.

Some Racial Barriers in Graduate Education May Fall as Result of U. S. High Court Ruling

ATLANTA, June 10—(AP)— Equal education for Negroes is a [illegible] volcano on which the South slept for a half-century.

Now the volcano has erupted into a billion-dollar problem.

One billion dollars is the best available estimate of the total difference between educational facilities for whites and Negroes in 17 Southern and border States today—from kindergarten through college.

The figure raises a cloud over the South in the wake of United States Supreme Court decisions this week.

The high court ruled unanimously and emphatically in Texas and Oklahoma cases, that States must provide education for Negroes equal in every way to that for white persons.

If separate Negro facilities are not truly equal, said the court, then Negroes must be admitted to white institutions.

No New Idea

Actually, of course, that's no new idea. Southern States themselves enacted laws demanding equality back in Reconstruction days.

The problem is that little was done about it for so long. In recent years some States have started big programs to meet the issue. But there's still [illegible] to go for the South as a whole.

Each time the Supreme Court flashes its red warning signal enforcing equality, uneasiness spreads across the South. More than a dozen equality suits are pending now in lower courts in Southern States.

What can the South do?

Senator Johnston (D-S. C.) said this week, "It's obvious that South Carolina cannot afford to provide separate and equal school facilities for both races."

Not Ready for Integration

It's also obvious that South Carolina isn't ready to integrate the races in schools and colleges.

Said Editor Ralph McGill in the Atlanta Constitution: "We should have known that we could not solemnly pass laws and then cynically and cruelly ignore them and get away with it forever. Certainly there were [illegible] discriminations. There still are. We are caught in the trap of our own laws."

Increasing the headaches, the South's white schools are superior to Negro schools, but below the average for the nation; the South is the region least able to pay for either.

Interviews with educators and other objective leaders this week indicate these are some of the answers that will develop:

First, some racial barriers will fall in college graduate education. More and more States will admit Negroes to white medical schools, and such.

The cost of providing duplicate graduate facilities for Negroes in each field in each State is all but prohibitive. And even if the money is raised, personnel simply isn't available to staff Negro schools in such fields.

Second, there will be little, if any, quick breakdown of segregation at the undergraduate college level and absolutely none in public grade schools in the South.

To Speed Equalization

But to preserve segregation, lagging States will speed sharply their equalization of Negro schools.

Many Southerners think if real progress is shown toward equalization, Negroes will go easy on court demands for immediate, one-swoop equality.

One of the region's best qualified experts, who said he could not be quoted by name on such a controversial question, put it this way:

"Segregation has a price tag. The South probably will buy all it can. But in the highest fields of education it just can't be bought."

Dr. George Mitchell, executive director of the South's Regional Council, [illegible] group promoting equality, saw two dangers if the South fights for segregation by raising huge sums to provide complete, separate college facilities for Negroes:

(1) Courts could declare, as in the Texas case, the separate facility still is not truly equal. He viewed the chance of courts finding real equality in such cases "very slim."

(2) Or the Supreme Court some day still could wipe out segregation itself as unequal and illegal, an issue the court did not answer this week.

[illegible]

In [illegible]

FORMAL PHOTO OF SUPREME COURT—Members of the United States Supreme Court sit in Washington for a formal photograph. Left to right (front row) Associate Justices Felix Frankfurter, Hugo LaFayette Black, Chief Justice Fred M. Vinson, Associate Justices Stanley Forman Reed and William Orville Douglas. Left to right (back row) Associate Justices Tom Clark, Robert H. Jackson, Harold H. Burton and Sherman Minton. The high court last Monday banned segregation at the University of Texas and the University of Oklahoma and on railroad dining cars.

12b 1950

State Supreme Court

Mo. Supreme Court Denies Student Entry

Daily World

State Justices Say Stowe Offers Equal Courses For Study

Pub. 2-19-50

JEFFERSON CITY, MO.—(ANP) The Missouri Supreme court last week ruled unanimously against the entry of Miss Marjorie Tolliver into the Harris Teachers college, on the grounds that the Negro school Stowe Teachers college, was sustanitially equal to the white school.

In making this stand on Miss Tolliver's case the court reversed an earlier decision of a year ago by Judge James N. Nangle of the Circuit Court in St. Louis in which he ordered the St. Louis in which he ordered the St. Louis board of education to admit her to the white school.

The court used the recent accreditation of Stowe by the North Secondary Schools as the basis of calling the two schools equal. At the time Miss Tolliver originally filed her suit for entry into Harris, Stowe was not accredited by the association.

APPROVAL CITED

Stowe was approved only a few weeks before her case appeared before Judge Nangle. Miss Tolliver, was a student at Stowe when she sought entry into Harris on grounds that Stowe did not offer all the courses she wanted to study.

Presiding Judge G. R. Ellison, Judge C. A. Leedy, and Judge Ernest M. Tipton concurred with the opinion by Court Commissioner Walter H. Bohling.

They reasoned in a new manner although schools and should remain on a "parity," this does not mean they have to present identical facilities to be equal. They added that in some cases Stowe" appeared to be better situated than Harris."

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SUPREME COURT

DRAMA IS UNFOLDED IN D.C.

By-J.Austin Norris

(Noted Phil.Pa.,Atty).

Washington.-One of the great dramas of our time was staged in the U.S. Supreme Court Monday and Tuesday of this week, when the Negro people and liberal forces of the nation made their most determined effort to reverse the trend of history in respect to Negroes, whcih that court directed for them sixty-five years ago.

Negroes are fighting to wipe out segregation throughout the nation by one Supreme Court decision. It is the most frontal attack, through law, yet made against the American racial and color caste system.

In this trugggle, reactionary forces are also represented by their ablest leadership. All the states of the solid South have filed briefs in an effort to maintain a status quo for Negroes. The South and all the Negro-hating forces are fighting to protect segregation and all other hideous forms of discrimination which have plagued, discouraged and embarrassed Negroes.

The basis for these court scenes were three cases of discrimination, docketed as the Sweatt, Henderson and the McLaurin cases. "Although the facts of each of these cases are different, they raise the same question of law, namely, whether segregation based on race or color is a violation of the Fourteenth Amendment to the U. S. Constitution therefore illegal.

Liberal leadership of the nation has been convinced for some time that the only way Negroes can permanently improve their status is through our courts. Recent experience has shown that it is almost impossible to improve materially our standing through Federal Legislation, so long as the South is a dominant factor in the Congress.

In the North, through the ballot, Negroes can force favorable state legislation. This, however, leaves untouched the status of the nine million Negroes in the South. They are held down by all types of discriminatory state laws. So the only method left is to appeal to the Federal Court. This is the same Supreme Court that has been responsible for our present lowly status.

The Supreme Court, through most of its existence, has been hostile to the interest of Negroes.

It was the Dred Scott decision that contributed mightily in bringing on the Civil War.

Even during the early Reconstruction Period, when the Congress was favorable to Negroes, the Supreme Court was hostile.

In 1883. the Supreme Court declared unconstitutional the Federal Civil Rights statues which were passed by the Congress to protect Negroes from discrimination and segregation throughout the nation.

If this statue had remained a law, the whole trend of Negro history would have been changed. It was the Supreme Court that upheld the many subterfuges which, for years, kept the Negro from voting in the South.

It was the Supreme Court that sustained the legality of the Grandfather clauses and the exclusive white primaries in the Grovey cases.

It was the Supreme Court that definitely fixed the status of Negroes as second-class citizens in the Plessey v. Ferguson case decided in 1896.

12d

In that case the court stood for the monstrous doctrine, that as long as accommodations are equal for Negroes, they can be segregated.

The court based its opinion in that infamous case on the maliciously false premise that to segregate Negroes is not of itself discriminatory and therefore not a violation of the equal rights privileges of the Fourteenth Amendment.

It was also in the Plessey case that the doctrine of "one-eighth Negro blood makes a citizen a Negro" was established.

There is no case or decision—with the possible exception of the Dred Scott decision—that has done so much harm to the Negroes of America as has the Plessey v. Freguson decision.

It is the reversal of this decision that was the objective of the three-court hearings before the Supreme Court Monday and Tuesday. In all three of these cases, the court was asked to establish—as a matter of law—that segregation alone is a violation of the "equal protection of the law" provision of the Fourteenth Amendment.

If the court reverses the Plessey v. Ferguson case and establishes that segregation per se is illegal, the effect on the Negro's status will be startling.

Segregation everywhere will be outlawed; in the North as well in the South.

Segregation will be outlawed in transportation; segregation will be outlawed in public and private schools.

Segregation will be outlawed in ALL public places, including restaurants, theatres, hotels, ball parks, swimming pools and amusement places.

By this one favorable decision the whole status of the Negro in America could be changed. Negroes for the first time in U. S. history would be elevated to the role of first-class citizens.

The brief of the 188 lawyers in the Heman Marion Sweatt case said that it was ALWAYS the intention of the Congress that the Fourteenth Amendment should guarantee to Negroes absolute equality with all other races and peoples in this country.

If a favorable decision is rendered it will merely be partial atonement for the harm the Supreme Court did to the rights, privileges and well-being of Negroes, more than fifty years ago.

If President Truman and the Democratic Administration are sincere in their expression of interest in Negroes, the Supreme Court will give a favorable decision.

If President Truman and the Democratic Administration are insincere, then we can expect the Court to avoid the REAL issue of segregation, and decide the cases on the collateral issue of the inequality of accommodations Negroes receive, or uphold separate but equal accommodations as laid down in the Plessey v. Ferguson case.

President Truman and his administration cannot avoid responsibility for this decision, because it is generally known that the present Court is under inferential control of Chief Justice Fred Vinson. The Chief Justice is ever ready to do the bidding of President.

The President sent Atty.General- J. Howard McGrath-and his Solicitor Gen. Philip B.Perleman to argue these cases.He must do more than this if he is to warrant the support of the Negroes in this country.

This is a momentous decision for Negroes. It can be a turning point for full and complete acceptance as first-class citizens, or it can leave our status untouched. This would force Negro Americans to continue the stepy-step fight for those rights and privileges that the Constitution intended for all Americans.

Courier
Sat-4-8-50
Pittsburgh, Pa..

Associated Press Wirephoto

SUPREME COURT POSES . . . Sitting for a new formal portrait in Washington are, from left, front, Associate Justices Felix Frankfurter, Hugo Lafayette Black; Chief Justice Fred M. Vinson; Associate Justices Stanley Forman Reed, and William Orville Douglas, and rear, Associate Justices Tom Clark, Robert H. Jackson, Harold H. Burton, and Sherman Minton.

Negro Education Ruling Reaffirmed

Post-Herald
Wed, 10-11-50

WASHINGTON, Oct. 10 (U.P.)—The U. S. Supreme Court, in its first business session of the 1950-51 term, reaffirmed Monday, its ruling that state universities must admit Negroes if equal educational facilities are not otherwise provided for them.

The tribunal refused to reconsider its decision of last June which required the University of Texas law school to admit Heman Marion Sweatt, a Houston Negro.

It further emphasizes its position by declining to review a Maryland Appeals Court ruling that the University of Maryland must admit Esther McCready, Baltimore Negro, to its nursing school.

The cases were among some 300 which the bench refused to review or reconsider. It still must rule on a number of other petitions for review.

It decided against reviewing the case of Samuel L. Davis, Negro school teacher, who protested that white and Negro teachers are paid unequal salaries in Atlanta. A lower court ruled that Davis should have appealed to state and city Boards of Education before suing.

The court also turned aside claims by five Oklahoma City Negroes who are suing to retain property purchased in neighborhoods where home owners had agreed to sell only to white persons. The court has ruled that racial covenants are not enforceable, but the 10th U. S Circuit Court of Appeals held the constitutional issue was not brought up at the original trial.

The court refused to review the appeal of Sen. Glen H. Taylor (D., Idaho), from a disorderly conduct conviction in Birmingham.

The court also refused:

To consider a complaint by 25 Philadelphia restaurant owners who object to paying a state fee to keep television sets in their establishments.

To re-examine a lawsuit involving the sale of Southwestern Railroad Co., properties to the reorganized Central of Georgia. A minority group of Southwestern stockholders is trying to block the transfer.

To decide whether Pioneer News Service, St. Louis racing information service, was legally deprived of telephone facilities by Missouri officials. The Missouri Supreme Court ruled the facilities should not have been ordered re-installed by State Circuit Court Judge James F. Nangle.

Segregation In Schools, Railroads Struck Down By U.S. Supreme Court

Tribunal Holds U.S. Controls Tidelands Oil

WASHINGTON, June 5 — (AP) — In three precedent making decisions the Supreme Court Monday struck down segregation of Negroes and whites as practiced at two state universities and on railroads in the South.

The court was unanimous. In all three cases, it expressly refrained from ruling on broad constitutional questions.

It did not grant a government request that it reverse a 54-year-old decision that segregation is constitutional as long as "separate but equal" facilities are provided for Negroes.

The combined effect of the three decisions, however, was to make it plain that such separate facilities must truly be equal. The Justice Department had argued that they never can be—that separation in itself is a form of inequality.

Dispose of Oil Cases

The court disposed of two controversial tidelands oil cases, holding that the federal government has "paramount rights" over submerged lands—rich in oil—off the coasts of Texas and Louisiana.

Justice Douglas said for the court majority that principles laid down in the 1947 tidelands case involving California were binding on the two Gulf Coast states as well. As it did in the California case, the court declined to say specifically that the federal government owns the tidelands.

It left until later a determination as to the exact nature of the decree to be entered.

After ruling on nearly a score of cases, the court adjourned until October.

In the segregation cases the court ruled:

A. That Texas must admit Herman Marion Sweatt, a Negro, to the all-white University of Texas law school, even though it has established a separate law school for Negroes. Chief Justice Vinson said for the full court that the separate schools do not offer "substantial equality in the opportunities" for white and Negro law students.

B. That Oklahoma must stop classroom segregation of a Negro, G. W. McLaurin, in the University of Oklahoma graduate school. McLaurin and other Negro students attend classes with white students, but they have been required to sit in different rows. Again Vinson said for the full court that McLaurin "must receive the same treatment at the hands of the state as students of other races."

Violates Law

C. That railroads cannot continue to separate Negroes and whites in their dining cars. Most Southern railroads maintain one or two tables for Negroes in diners. Justice Burton said for an eight-man court that this practice violates the basic interstate commerce law. That act forbids the railroads from subjecting any person "to any undue or unreasonable prejudice or disadvantage."

In other actions on this final day of the term, the high court:

1. Affirmed the convention on a charge of stuffing ballot boxes of Edward F. Prichard, Jr., of Lexington, Ky., a former favorite of President Franklin D. Roosevelt. The court acted under a rarely used law which says it may uphold judgments of lower courts if there is not a quorum (six) of qualified justices to consider a case. Four justices disqualified themselves in Prichard's case.

2. Agreed to review next term a lower court decision that the federal government may discharge any employe whose loyalty to the United States is in "reasonable doubt." The appeal was filed by Miss Dorothy Bailey, 39, who was fired from an $8,000-a-year government job on disloyalty grounds. Miss Bailey denied an accusation of Communist membership.

3. Refused to review a decision that Negroes may be excluded from a big New York City housing development, Stuyvesant Town. Three Negroes who sought unsuccessfully to rent apartments in the development had appealed a decision against them by lower courts. The high court action allows that ruling to stand unchanged. Justices Black and Douglas favored a review.

Henderson, Sweatt McLaurin Rulings Hailed By Leaders

Southern political leaders hailed and condemned Monday night three Supreme court decisions which banned segregation on railroad diners and at the Universities of Texas and Oklahoma

However, the high court stopped short of saying whether segregation is unconstitutional.

The court said in the Sweatt case that it saw no reason why it should re-examine the 54-year-old doctrine of "separate but equal."

Meanwhile, Governor Herman Talmadge indicated Monday night he would defy the decision of the court. He said:

"As long as I am governor, Negroes will not be admitted to white schools."

C. L. Harper, president of the Atlanta NAACP, commented that the rulings were "the most significant decisions since the rulings on the White Primary cases."

But Dr. Benjamin E. Mays, president of Morehouse college, warned that "We must not be fooled by these rulings."

He said that the Supreme court "evaded" ruling on the question of whether segregation is discrimination.

M. E. Thompson, gubernatorial candidate, promised the voters of Georgia, that if he is elected governor "There will be no Negroes attending white schools."

On the other hand, Emory O. Jackson editor of the Birmingham World and executive secretary of the Birmingham NAACP, declared:

"Although the decisions may not be clear-cut, they chip a large hunk off the practices of racial segregation in transportation and education."

The Supreme court declared in the dining car decision that segregating Negroes and whites violate a section of the Interstate Commerce Act which forbids "any undue of unreasonable prejudice."

In the Sweatt case, the Supreme court based its decision on allegations that the Negro university at Houston is not equivalent to the white school at the University of Texas.

The high court also effaced racial segregation at the University of Oklahoma. G. W. McLaurin, who is attending the graduate school of the university, had attacked the legality of segregation at the school.

Justice Burton wrote the court's opinion in the dining car case. Chief Justice Vinson and Justice Black, Reed, Frankfurter, Douglas, Jackson and Minton supported Burton Justice Clark did not participate in the case.

Elmer Henderson had protested to the court that he was unable to get a meal on a Southern Railway diner because of the railroad's policy of setting aside a table or

The dining car policy was supported by the Interstate Commerce Commission. But the Justice department opposed the Jim Crow policy.

Attorney General J. Howard McGrath told the high court that "the notion that separate but equal facilities satisfy constitutional and statutory prohibitions against discrimination is obsolete."

Justice Burton agreed and added. "The right to be free from unreasonable discrimination belongs to each particular person."

"Under the rules, only four Negro passengers may be served at one time and then only at the table reserved for Negroes. Other Negroes who present themselves are compelled to await a vacancy at that table, although there may be many vacancies elsewhere in the diner."

"The railroad thus refuses to extend to those passengers the use of its existing and unoccupied facilities. The rules (of the railroad) impose a like deprivation upon white passengers whenever more than 40 of them seek to serve at the same time and the table reserved for Negroes is vacant."

Professor Harper, president of the Atlanta NAACP released this statement to the World:

"The Supreme Court Monday made the most significant decisions since the rulings on the White Primary cases. School officials of Georgia on all levels should take cognizance of these opinions and immediately provide equal school facilities for Negro youth, or the Negro people will have no other alternative than to invoke these decisions."

"We still have three substandard Negro colleges operated by the Board of Regents; there are two salary schedules based on race provided by the State Board of Education; there are glaring inequalities due to color in every school system in the state. And there are no provisions for graduate and professional training for Negroes.

"It is gratifying to note that some boards of education are making an honest effort to correct these inequalities while others seem to have no intentions of meeting the requirements of these opinions. They could save themselves embarrassments and court costs by complying with the law without further delay.

"The convening of the legislature in extra session to activate the Minimum Foundation program would greatly facilitate compliance with these decisions. At this session 25 million dollars should be earmarked for equalizing educational opportunities for Negro children.

"The Negro people, patient to a fault, are willing to cooperate with our school officials in working out a fair and prompt solution to these state and local school problems.

Dr. Benjamin E. Mays, president of Morehouse College, declared:

"The Supreme court evaded the issue of segregation in ruling against a curtain or partition on dining cars. It was done on the basis of a violation of Interstate Commerce law. The curtain and the partitition go, but not on the basis of segregation.

"In the Sweatt case, the University of Texas was ordered to admit a Negro because the school at Houston is not as good as the law school at the University of Texas.

"The implication is that if the school at Houston were equal to the law school at the University of Texas then it would have been all right to have segregated Sweatt."

"In the McLaurin case, the Supreme court ruled against segregation at the University of Oklahoma because in segregating McLaurin, he was not afforded equal education.

"The U. S. Supreme court has not ruled that segregation on the basis of color or race is discriminatory."

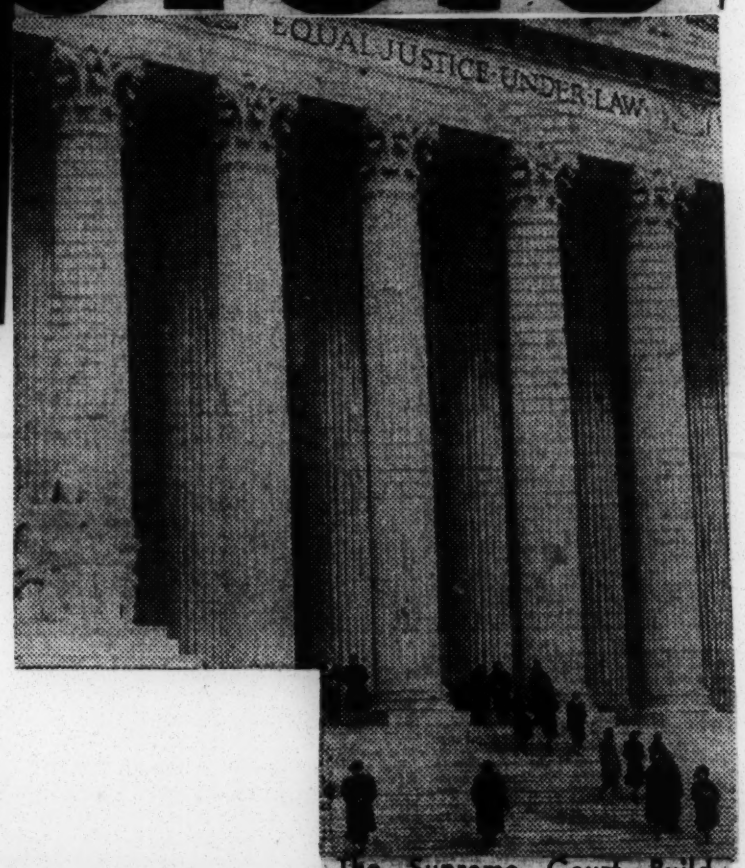
12d 1950

SUPREME COURT

G.W. McLaurin
Heman Marion Sweatt
Segregated Education

HISTORIC DE CISIONS

Courier Post 6-10-50 Pittsburgh, Pa



The Supreme Court Building in Washington, D. C., and the U. S. Supreme Court. Seated: Justice Frankfurter, Justice Black, Chief Justice Vinson, Justice Reed, Justice Douglas. Standing: Justice Clark, Justice Jackson, Justice Burton. Justice Minton.

Attorneys and principals in the historic cases. Left to right: Attorneys Mina. Sandifer. Marshall. Lawson. Carter: Prof. McLaurin. Elmer Henderson and Heman Sweatt.

The Nation Today—

Segregation Rulings Fit Individual Cases

BY JAMES MARLOW

WASHINGTON, June 6—(AP)—When Supreme Court justices hand down a decision, it's always in writing. And that's all there is. That's the end of it.

If a decision doesn't seem quite clear to you, that's your tough luck. You can't go and ask them to explain. They don't explain their written decisions to anyone afterwards.

To laymen—and often to lawyers—the decisions of the court are not always so clear-cut that anyone reading them can say positively what is meant. There are two reasons for this.

1. The language the justices use. They don't always write well. Sometimes their language is not only long-winded, involved and clumsy, but seems so rubbery it could mean different things to different people.

2. The justices themselves repeatedly have said they try to make decisions as narrow as possible. That is, they try to say what the constitution means only in some particular case before them.

* * *

WHEN ANOTHER CASE comes before them—similar to but slightly different from the first case—they say what they think the constitution means in that one.

So over a period of time they may give a number of related decisions, while avoiding sweeping interpretations of the constitution. In other words, they try to move in a cautious way, not a revolutionary way.

There are exceptions to this, of course. And even cases where the interpretation seems narrow may have a wide effect and change a whole pattern of American practice or thinking.

Take two of the cases which the Supreme Court decided yesterday, but before doing so look briefly at a decision which the court handed down in 1896.

In that year the court decided that states may segregate the races—that is, keep Negroes and whites apart, such as in trains or schools or railroad waiting rooms—if the two races are provided substantially equal facilities.

* * *

THE COURT AT THAT TIME thought its decision did not violate the 14th amendment to the constitution, which says "No state shall make or enforce any law which shall abridge the privileges . . . of citizens of the United States."

Yesterday the court gave decisions in these two cases:

1. Heman Marion Sweatt, a Negro, wanted to get into the University of Texas law school. Because he was a Negro, he was turned down. But there was then no Texas law school for Negroes.

To make a long story short, Texas set up a Negro law school but, the court says, this was much inferior to the white law school. Further, says the court, this 'did not provide Texas Negroes with educational facilities equal to those of white Texas law students.

Therefore, the court said, Sweatt must be allowed into the white Texas law school. But—the court didn't overturn the old decision of 1896.

Nor did it say Texas must continue to let Negroes into the white law school if Texas ever provides a Negro law school equal to that of the white one.

Yet—this decision was limited to the University of Texas law school. It seems to leave Texas free to keep whites and Negroes apart in the rest of the schools in Texas. At the same time, it broke down some of Texas' age-old policy of segregation. At least in this one school.

* * *

2. G. W. McLAURIN, a Negro in Oklahoma. He applied for admission to the University of Oklahoma to study to be a teacher. He was rejected because of his race. Oklahoma has a segregation law on schools.

But—again to make a long story short — he was finally admitted after going to court. He said the constitution was violated because he wasn't given equal opportunity for education with white students.

Yet, when he was admitted, he was segregated: He had to sit apart from white students, eat apart from them, use a separate part of the library. He went to court again and his case reached the Supreme Court.

The court ruled yesterday that by segregating him in the school, the state was interfering with his ability to study. Therefore, the court said, he was not given his constitutional rights of equal protection. It ordered the segregation of McLaurin in the school to stop. In that school, the court said, he must receive equal treatment with other students. But the court didn't rule on Oklahoma's lower schools. And the points involved in the McLaurin decision are the same as those in the Sweatt case explained above.

Segregation Ruling Due From Court

Momentous Decision On Public School Students Expected

WASHINGTON, June 4 — (AP) — The Supreme Court may wind up its 1949-50 term Monday by announcing momentous decisions on the right of states to segregate Negro and white students in public schools.

Supported by the Justice Department, two Negroes have asked the highest tribunal to strike down segregation in Texas and Oklahoma state universities.

Opposing such a ruling, 11 Southern states filed a brief with the justices which predicted public school systems of the South would be destroyed if segregation is banned.

In a companion case, another Negro has asked the high court to bar segregation in dining cars on railroads in the South which require Negroes to sit at tables separated from other diners by curtains.

The Justice Department also took up the fight for the Negro in the dining car case. In all three cases the department insisted that the Supreme Court should now overrule the 54-year-old legal doctrine that if "separate-but-equal" facilities are provided there is no violation of the Constitution.

Plan To Quit June 5

The court announced recently it had set June 5 as its goal for adjournment for the Summer vacation. Some of the justices worked overtime, day and night, last week trying to reach the deadline.

They have before them a long list of cases awaiting final decision after arguments were heard during the term which began last Oct. 3.

They also have before them a bigger list of petitions asking reviews of lower court rulings. It is up to the court to say whether it will hear the appeals.

Cases which the court accepted for review and which now await only its verdict include:

The government's suits for paramount rights, or full title, to submerged oil lands off the coast of Texas and Louisiana.

The right of Standard Oil of Indiana to cut gasoline prices to four jobbers below prices charged retail service stations, for the purpose of meeting competitors' prices.

Petitions Listed

Issues raised in petitions asking Supreme Court hearings included:

Whether Negroes may be denied residence in the large Stuyvesant Town housing development in New York City.

Whether seven Martinsville, Va., Negroes condemned to death for rape of a white woman should have a new trial.

Whether a fair trial on election fraud charges was given Edward F. Prichard, Jr., Lexington, Ky., lawyer who was once a prominent figure in the administration of President Franklin D. Roosevelt. Prichard faces two years in prison.

Whether immigration officials may immediately deport Mrs. Ellen Knauff, German-born war bride who has been held about two years on Ellis Island.

Whether the federal government may fire any employe on the basis of reasonable doubt as to his loyalty to the United States.

The justices also have been urged to reconsider a May 8 decision which upheld validity of the non-Communist oath provision of the Taft-Hartley Act.

Segregation Rulings Stir Southern Congressmen

WASHINGTON, June 7—(AP)—Southern members of Congress yesterday heard bitter criticism on the Supreme Court's latest segregation decisions.

"The white people of Georgia and, I believe, of the entire South, are not going to school with blacks, or eat with them, or live with them," said Rep. Davis (D., Ga.) in a speech to the House.

Sen. Hoey (D., N. C.) asserted the court's decision that segregation in railroad dining cars violates the interstate commerce act—will contribute to confusion and irritation rather than advance amicable race relations."

Sen. Kefauver (D., Tenn.) termed the decisions "unfortunate."

"I have always felt," he said, "that the 'separate but equal' facilities proposal was the best basis for working out the problem."

REP. QUILL (R., TEX.) attacked the decisions, along with the court's ruling that the federal government has top rights to tidelands oil off Louisiana and Texas. In his maiden speech in the House, he said they "struck a severe and damaging blow at the entire concept of states' rights."

Davis said in his speech that he regarded the segregation decisions as "rank usurpation by the court of legislative functions which do not belong to it, but belong exclusively to Congress."

He declared "these Supreme Court decrees are not going to force these things upon our people."

* * *

"THE SUPREME COURT," he said, "by its continual efforts to enforce radical ideas and philosophies upon the states and upon the people has weakened the confidence of the public in the court. . . .

"The present personnel of the Supreme Court . . . have done and are doing untold harm to good race relations."

Davis congratulated Gov. Herman Talmadge, of Georgia, "upon his prompt and vigorous protest and declaration, with which I am in hearty accord."

Talmadge was quoted as saying that "As long as I am governor, Negroes will not be admitted to white schools in Georgia."

egregation—

It May Take Long Time For Court Rule To Work

By JAMES MARLOW

WASHINGTON, June 12—(AP)—It may be some time—maybe years—before all the southern states fall in line with the supreme court's decision this week on equal higher education for Negroes.

What the court said—in effect—was this: When a state supports a school of higher education for whites, like the graduate school of a state university, it must:

1. Admit Negroes, so they'll get equal education, or—

2. Provide a school equally good for Negroes. But in the end the court, not the state, will decide what's equal.

When it handed down that decision this week, the court was

LAST OF FOUR STORIES

speaking only to the state of Texas, or, rather, to the law school of the University of Texas.

* * *

DOES THAT MEAN the other southern states must immediately start admitting Negroes to their state-supported schools of higher education or immediately start building equally good ones for Negroes?

Not necessarily. Louisiana, for instance, could refuse to let a Negro into its state medical school and still not be in contempt of the supreme court. Why?

Because the court addressed its opinion to Texas, not to Louisiana. But if Texas, refused now, it would be in contempt.

Suppose now Louisiana refuses to do what the supreme court said Texas must do.

Then almost surely in Louisiana or any other southern state which refused, a Negro could start a court fight, backed by the national association for the advancement of colored people.

* * *

WHEN THAT CASE REACHED the supreme court, it's reasonable to believe the decision about equal treatment for Negroes would be the same, or similar to, the decision the court gave in the Texas case.

Why? Because the court in its ruling definitely said how it feels on the subject of equal education for Negroes. It repeatedly has said this.

And there's another reason why the South can't expect the present court to take a view very different in the future on a similar case.

It's this: The opinion in the Texas case was unanimous. All nine justices agreed.

The court, through this week's decision, has driven deeper its wedge into the power of a southern state to deny Negroes higher education or to segregate them while giving them equal education.

Remember: The decision this week was on higher education only. The court said nothing about high schools or grammar schools.

Thompson Promises Segregation in Schools

Says Talmadge Is Ignoring Constitution's Warnings

By MARJORY SMITH
Constitution Staff Writer

LAGRANGE, June 6—Gov. Talmadge was "asleep at the switch" when the U. S. Supreme Court handed down its newest segregation rulings, M. E. Thompson charged here Tuesday night.

Here and earlier at Franklin the "school teacher" said that his opponent in the gubernatorial race had made no preparation to insure the segregation in Georgia schools.

"Talmadge has been derelict in his duty," Thompson shouted. "I saw this coming months ago and began planning toward it. When I opened my campaign, I set forth my plans for an $80,000,000 school building program.

"Talmadge has ignored the warnings of the only big newspaper that has ever said anything good about him. The Atlanta Contion has been hammering away away with the warning that our schools must be separate but equal."

Thompson was introduced here by Atty. R. W. (Chatty) Martin, who declared Georgia is at the crossroads of her political destiny.

A cheering crowd of 1,200 hooted down a Talmadge heckler on the roped off LaGrange Square.

Thompson demanded of the heckler, "are you on the State pay roll?" When the man replied in the negative, the ex-Acting Governor advised him," "Go over to the Capital in the morning. They'll put you on the pay roll."

At two other Northwest Georgia stops Tuesday Thompson reaffirmed a pledge to "uphold the Georgia Constitution and guarantee segregation in public schools, including the University System.

Enthusiastic audiences that "joined right in" spurred Thompson's confidence at Douglasville and LaGrange.

At Douglasville, where some 250 swatted bumblebees and sought shade under magnolia trees, he conducted his question-and-answer session in shirtsleeves.

Here the candidate was introduced by his former adjutant general, Theater Owner Al Fowler.

A Paulding County delegation swelled the Douglasville crowd and the Rev. Y. D. Ragsdale, Baptist preacher from Hiram, mounted the bunting-draped platform to give "a testimonial for Thompson."

Describing himself as a "disappointed ex-Talmadge man," the minister declared Thompson "filled every vow he made—and is going to carry Paulding."

Mrs. Texas Huff, Douglasville farm wife, lined up with "the menfolks" to greet Thompson.

"Never shook hands with a Governor before," she smiled.

Anne Newton Thompson shook off a nagging toothache to "visit with folks" at the rallies.

She found more women than usual, including school teachers and WCTU Leader Mrs. Ossie McCord McLarty, of Douglasville.

Crowds at all three rally points applauded when Thompson averred "not a single Negro asked to be admitted to a white college when I was Governor, and no suits demanding equal facilities were filed against our county board of education." The candidate declared Talmadge "had brought the current suits on himself."

"When I was in Washington conferring with RFC officials about the financial soundness of my plan to insure segregation in the schools," Thompson asserted, "my opponent was just playing politics with the racial problem."

Thompson declared "I advocate a plan by which the Negroes can share in paying for the equal facilities they are demanding. The only way the Negroes can share our tax burden is with a sales tax."

Though Problems Still Exist—

Alabama Foresaw Court's Racial Education Opinion

BY REX THOMAS

MONTGOMERY, Ala., June 9—(AP)—Whatever the outcome, the Supreme Court's latest dictates on racial segregation in the classroom didn't catch Alabama napping.

School authorities, aware of what might happen, have been working on the problem of Negro education for years. And, says State Supt. A. R. Meadows, they've made "phenomenal" success, especially in the elementary and high school grades.

Negro teacher salaries, for instance, have increased from an average of $387 a year in 1938-39 to $1,739 a decade later, a gain of 450 per cent, while the average pay of white teachers has risen only 250 per cent, from $816 to $2,111.

And in per-pupil expenditures, the state has raised Negro schools over the same 10-year period from $10.65 to $65.10, a 600 per cent gain, while lifting white schools from $36.03 to $98.77, up 270 per cent.

There's still a difference of $33.67 a year, but Supt. Meadows says most of that is accounted for by the higher training level of white teachers.

* * *

SINCE 1947, THE PAY SCALE has been exactly the same, based on the amount of experience. In other words, a Negro teacher with three years of college gets just as much as a white teacher with three years.

But the average Negro instructor hasn't had as much training and consequently the salary is lower.

The big headache now is in college education. Progress has been made in that field, too, but not as much.

It will have to come, though, Dr. Meadows says, because the demand for higher education among Negroes has increased sharply as more and more of them graduate from high school. In the past decade, the number of graduates had doubled.

That's what Gov. James E. Folsom had in mind last year when he created a bi-racial committee to study the Negro college education problem and tell Alabama what it must do to meet its legal and moral obligations.

* * *

THE SOUTHERN GOVERNORS regional education plan had already been worked out then and Alabama was committed to take part, but Folsom and others on his committee felt that wasn't enough.

Dr. John Ivey, of Atlanta, director of the regional council set up to administer the Southern governors' program, readily agreed. He warned the committee that the South had been "derelict" in Negro education and had never even met its legal obligations.

Dr. Ivey praised Alabama's effort as the first "serious" effort to do something about it, and challenged other Southern states to follow suit.

After three months of study, the committee recommended an immediate yearly increase of $835,000 in appropriations to Negro colleges, plus a $4,500,000 building program.

The report also advocated establishment of a Negro university in Alabama which would include a law school. There is no state-supported institution in the state now where Negroes can study law.

* * *

IN OTHER FIELDS, such as medicine and dentistry, the committee suggested that Alabama depend on the regional program for the time being. One member cautioned, however, that in his opinion the regional plan may not meet the Supreme Court's demands for equal facilities for both races. He was Dr. William Hepburn, at that time dean of the University of Alabama Law School.

The committee's program fell far short of its goal, however, when the Legislature met last Summer. Appropriations to Negro colleges were increased $235,000 a year instead of the $835,000 the study group said was "urgent."

Another $50,000 was tacked onto the $25,000 a year Alabama had been spending for regional education.

What happens in the future is something else. Alabama next year will have a new governor, a new head of the education department and a new Legislature.

It will be up to them.

* * *

SO FAR THERE HASN'T been a lawsuit in Alabama over Negro education or classroom segregation, and Supt. Meadows says one reason is that educators of both races have tried to work the problem out.

A Montgomery Negro did apply for admission to all-white Alabama Polytechnic Institute (Auburn) but withdrew his application before it was acted on. He said he was "upset over all the talk around town about it."

G.W. McLaurin
Heman Marion Sweatt
Segregated Education

Supreme Court Outlaws Dining Car Segregation, Sweatt, McLaurin Win

BY STANLEY ROBERTS

WASHINGTON, D. C.—In historic decisions that will echo this week around the world, the United States Supreme Court Monday—two hours after telling Southern railroads to cease jim-crow dining service in interstate travel—completely obliterated the "academic vacuums" of education in Dixie.

The Court told the Texas Law School for Whites to admit Heman Marion Sweatt.

The Court also told the University of Oklahoma to remove all restrictions from G. W. McLaurin, and to give him the same treatment as students of other races.

Not equal treatment, said the high court, but the same treatment.

In the Sweatt case, read significantly enough by President Truman's friend of long standing, Chief Justice Fred Vinson, the Court held that the equal protection clause of the Fourteenth Amendment required Sweatt to be admitted to the law school. The Court said that whether the University of Texas Law School is compared with the original or the new law school for Negroes, we cannot find substantial equality in the educational opportunities offered white and Negro law students by the state.

The Court said: "In terms of number of the faculty, variety of courses and opportunity for specialization, size of the student body, scope of the libraries, availability of law review and similar activities, the University of Texas Law School is superior. What is more important, the University of Texas Law School possesses to a far greater degree those qualities which are incapable of objective measurements but which make for greatness in a law school.

WOULDN'T CONSIDER NEGRO SCHOOL

The Supreme Court went on then to point out the qualities referred to, including reputation of the faculty; experience of the administration; position and influence of the alumni; standing in the community; tradition and prestige.

"It is difficult to believe," read Judge Vinson, "that one who had a free choice between these law schools would even consider the Negro law school."

The decision then pointed out that the law school is a proving ground for legal learning and practice and that "it cannot be effective in isolation from the individuals and institutions with which the law interacts. Few students and no one who has practical law would choose to study in an academic vacuum, removed from the interplay of ideals and the exchange of views with which the law is concerned."

The Court pointed out that it is fundamental that these cases concern rights which are personal and present.

OTHER CASES CITED

In citing three other Supreme Court cases—Sipuel v. Oklahoma; Fisher v. Hurst; and Gaines v. Missouri—the Court pointed out that it had already stated unanimously that "the state must provide legal education in confirmity with the equal protection clause of the Fourteenth Amendment and provide it as soon as it does for applicants of any other group."

The Court then reversed the judgment of the Oklahoma lower courts and told the University of Texas Law School to admit Heman Sweatt.

In deciding for McLaurin, a case also unanimously read by Chief Justice Vinson, the Supreme Court held that the school afforded him different treatment from other students solely because of his race. He was segregated in class, in the libraries and in eating facilities.

The Court did not like that.

It said that he is training to be a leader and a teacher. His case, said the Court, represents the epitome of a need to obtain an advanced educational degree.

His education, the Supreme Court said, will necessarily suffer to the extent that his training is unequal to that of his classmates.

"State imposed restrictions which produce such inequality cannot be sustained," said the Supreme Court.

"Persons who come under the guidance and influence of McLaurin," said the Supreme Court, "will be directly affected by the education he received. Their own education and development will necessarily suffer to the extent that his training is unequal to that of his classmates." The McLaurin decision concluded that, "we hold that under these circumstances, the Fourteenth Amendment precludes difference in treatment by the state based upon race."

PLESSY-FERGUSON

But in a period of three years the Supreme Court, although it did not examine the merit of the infamous Plessy v. Ferguson equal but separate doctrine, practically knocked all of the props from under it, according to the best legal minds contacted by The Courier Monday afternoon. These historic cases will be read closely by Southerners who are fighting the progress of equal education for Negroes and will no doubt have far reaching repercussions in the plans of the states to proceed with the regional compacts for higher education.

Graduate Schools' Segregation at Issue

By Chalmers M. Roberts
Post Reporter

Segregation in the State-supported graduate schools of Oklahoma and Texas was attacked and defended yesterday before the Supreme Court.

Like the railroad dining car case argued on Monday, the two school cases offer the high court a chance to strike down the 54-yearold doctrine that "separate-but-equal" facilities for the white and Negro races does not violate the Constitution.

Again yesterday it was far from clear that the court would tackle that doctrine, but there were indications that the court could, if it wished, sweep aside racial segregation in the top rung of the State educational ladder without affecting either the public grade and high schools or even the undergraduate State universities.

The difficulty in doing this was indicated by Justice Jackson's remark at one point that the constitution doesn't make distinctions between grades in schools.

Oklahoma's Assistant Attorney General Fred H. Hansen declared that his State, because it did not have the money to set up a duplicate graduate school for Negroes, had resorted ot a "legal fiction" of segregation to observe the State constitution's requirement of "insurmountable barriers" between the races.

The 24 Negro students now attend the same classes as whites but sit in the left-hand rows of each classroom. At one time they sat outside the door, as when the Oklahoma case was first brought by G. W. McLaurin.

Justice Jackson caalled this a "petty" difference and Justice Minton remarked that there didn't seem to be "much point" to such segregation. At this, Hansen replied:

"Perhaps not in the graduate school, but if 'separate but equal' is swept aside, all Negro schools and the Negro university in Oklahoma would fall."

For McLaurin, attorney Robert L. Carter argued that regardless of the extent of the university's segregation rules, any segregation is unconstitutional under the Fourteenth Amendment's declaration that the "equal protection of the laws" shall not be denied by a State to any person. Amos T. Hall, also for McLaurin, declared segregation is designed to "symbolize" the Negro as "of an inferior cast."

The Texas case concerns the efforts of Heman Marion Sweatt to enter the University of Texas law school. The State has opened a State law school for Negroes and it presented photos of its new building for the court's inspection.

Texas' Attorney General Price Daniel said the segregation principle—the State's right to continue separate schools as long as the "advantages and privileges" are equal—is not limited to graduate schools. He said "the only way" Texas will have public facilities is on a segregated basis.

On Sweatt's behalf, Thurgood Marshall declared that "we've been 30 years trying to get this issue (the legality of segregation) before this court."

But, he added, this case involves only the question of the State's law school. He said statements in Texas' brief about the effect on other schools of an end to law school segregation "have no business in this case."

No decision is expected on the explosive issue of the court's 1949-50 term, for many weeks.

ELMER W. HENDERSON
HEMAN MARION SWEATT
G.W. McLAURIN

Segregation Is Banned At 2 State Universities, On Railway Dining Cars

High Court Favors U. S. In Oil Cases

WASHINGTON, June 5—(AP)—In three precedent-making decisions, the Supreme Court today struck down segregation of Negroes and whites as practiced at two State universities and on railroads in the South.

The court was unanimous. In all three cases, it expressly refrained from ruling on broad constitutional questions.

It did not grant a government request that it reverse a 54-year-old decision that segregation is constitutional as long as "separate but equal" facilities are provided for Negroes.

The combined effect to the three decisions, however, was to make it plain that such separate facilities must truly be equal. The Justice Department had argued that they never can be—that separation in itself is a form of inequality.

Rules on Tidelands Oil Cases

The court disposed of two controversial tidelands oil cases, holding that the Federal government has "paramount rights" over submerged lands—rich is oil—off the coasts of Texas and Louisiana.

Justice Douglas said for the majority that principles laid down in the 1947 tidelands case involving California were binding on the two Gulf Coast States as well. As it did in the California case, the court declined to say specifically that the Federal government owns the tidelands.

It left until later a determination as to the exact nature of the decree to b entered.

After ruling on nearly a score of cases, the court adjourned until October.

In the segregation cases the court ruled:

(A) That Texas must admit Heman Marion Sweatt, a Negro, to the all-white University of Texas Law School, even though it has established a separate law school for Negroes. Chief Justice Vinson said for the full court that the separate schools do not offer "substantial equality in the opportunities" for white and Negro law students.

(B.) That Oklahoma must stop classroom segregation of a Negro, G. W. McLaurin, in the University of Oklahoma Graduate School. McLaurin and other Negro students attend classes with white students, but they have been required to sit in different rows. Again Vinson said for the full court that McLaurin "must receive the same treatment at the hands of the State as students of other races."

(C) That railroads can not continue to separate Negroes and whites in their dining cars. Most Southern railroads maintain one or two tables for Negroes in diners. In most cases these tables are set aside by curtains or ropes. Justice Burton said for an eight-man court that this practice violates the basic interstate commerce law. That act forbids the railroads from subjecting any person "to any undue or unreasonable prejudice or disadvantage."

The court based its opinions on specific circumstances of the two cases and avoided the question of segregation in public education generally.

No official comment could be obtained. Governor Battle, was away from his office and could not be reached immediately. Attorney-General J. Lindsay Almond, Jr., reserved comment until he could study the texts of the opinions.

Other Actions

In other actions on this final day of the term, the high court:

(1) Affirmed the conviction on a charge of stuffing ballot boxes of Edward F. Prichard, Jr., of Lexington, Ky., a former favorite of President Franklin D. Roosevelt. The court acted under a rarely used law which says it may uphold judgments of lower courts if there is not a quorum (six) of qualified justices to consider a case. Four justices disqualified themselves in Prichard's case.

(2) Agreed to review next term a lower court decision that the Federal government may discharge any employee whose loyalty to the United States is in "reasonable doubt." The appeal was filed by Miss Dorothy Bailey, 39, who was fired from an $8,000-a-year government job on disloyalty grounds. Miss Bailey denied an accusation of Communist membership.

(3) Refused to review a decision that Negroes may be excluded from a big New York City housing development, Stuyvesant Town. Three Negroes who sought unsuccessfully to rent apartments in the development had appealed a decision against them by lower courts. The high court action allows that ruling to stand unchanged. Justices Black and Douglas favored a review.

Ruling on Film Companies

(4) Upheld a New York Federal District Court decree requiring three film companies to submit within six months plans for divorcing their production and distribution businesses from that of exhibiting movies. The firms are Loew's Inc., Warner Brothers Pictures, Inc., and Twentieth Century Fox Corp.

(5) Refused to review a Virginia court ruling which affirmed the convictinos of seven Negroes condemned to death on charges of raping a white woman. They had argued that "an atmosphere of prejudice and hostility" axisted against them in Martinsville, where they were tried.

(6) Ruled on a six-three division that aliens jailed by United States authorities abroad do not have the right to apply for court hearings in this country.

(7) Split down the middle again on the legality of the Taft-Hartley oath requiring union leaders to swear they do not believe in communism. The action in effect upheld the legality of the oath as tie votes affirm decisions of lower courts. The vote today was 4-4. On May 8 it was 3-3.

Interstate Commerce Law Cited

In the railway segregation case, Justice Burton noted that in the basic interstate commerce law Congress prohibited any prejudice against any train traveler.

"The right to be free from unreasonable discriminations belongs ... to each particular person," Burton said. "Where a dining car is available to passengers holding tickets entitling them to use it, each such passenger is equally entitled to its facilities in accordance with reasonable regulations.

"The denial of dining service to any such passenger by the rules before us subjects him to a prohibited disadvantage."

Because the practices violate the Interstate Commerce Act, Justice Burton said, it was not necessary for the court to consider whether they are also a violation of the constitution.

Justice Clark, who was Attorney-General when the case originated, took no part. Justice Douglas noted that he concurred with the result.

Maryland Decision Reversed

The decision reversed a ruling of Federal District Court for Maryland, which had approved the segregation policy of the Southern Railway Company.

The high court ordered the ICC to withdraw its approval of the Southern Railway rules, which are similar to those of other lines operating in the South.

The case was carried to the high court by Elmer W. Henderson, a Washington Negro. He said he was unable to get a meal on a Southern Railway diner on a trip to Birmingham in 1942.

The Southern railroads then adopted the practice of setting aside one or two tables for Negroes. The ICC approved this policy, and Henderson then pressed his fight against segregation.

Speaking of the custom of roping off the tables for Negroes Justice Burton wrote:

"The curtains, partitions and signs emphasize the artificiality of a difference in treatment which serves only to call attention to a racial classification of passengers holding identical tickets and using the same public dining facility."

German Case

The decision that aliens jailed by United States authorities abroad do not have the right to apply for court hearings in this country applied specifically to 21 Germans tried in 1946 by a United States military commission at Nanking, China. They were charged with engaging in military activities against this country after Germany's surrender. All were given jail sentences, and imprisoned in Germany.

Senator Taylor Asks Review

WASHINGTON, June 5—(UP)—Senator Taylor (D-Idaho) asked the Supreme Court today to review his 1948 conviction at Birmingham, Ala., on a disorderly conduct charge growing out of a dispute over racial segregation.

A brief filed with his petition asserted that compulsory segregation abridges the civil rights of both whites and Negroes because it denied to white citizens, who "desire freely to assemble and associate with Negroes, the right to do so."

While affiliated with the Progressive party during the 1948 election campaign, Taylor was arrested at Birmingham and charged with disorderly conduct for trying to enter the Negro entrance of a church.

Taylor said he was seeking a test of the Birmingham ordinance requiring separate entrances and seating arrangements for Negroes and whites. He was sentenced to a six-month jail term.

No Immediate Effects Are Seen in Virginia

The limited scope of yesterday's decisions by the United States Supreme Court in University of Texas and University of Oklahoma segregation cases apparently means they will have no immediate effects in Virginia.

That was the tentative, unofficial reaction of Virginia authorities, in light of press dispatches which said the Supreme

Segregation Out At 2 Universities

U. S. Supreme Court Opens Diners, Texas, Oklahoma Schools To Negro

By LEWIS WOOD

Special to The New York Times and The Atlanta Constitution

WASHINGTON, June 5—In three unanimous opinions dealing with racial segregation the Supreme Court Monday struck down barriers separating Negroes in railroad dining cars and in two educational institutions.

In the dining car case, the high court found that segregation violated the Interstate Commerce Act under which the railroads operate.

But in two other controversies, concerning state universities, the tribunal held that the Negroes had been denied the guarantee of equal protection under the Fourteenth Amendment to the Constitution.

The three decisions, with their authors, and made on the last day of the court term, were:

1. Justice Harold H. Burton—that the Interstate Commerce Act was violated when Elmer W. Henderson, a Negro, was refused a seat in a Southern Railway dining car, except at a table reserved for his race and curtained from other passengers. Justice Tom C. Clark did not participate.

2. Chief Justice Fred M. Vinson—that Texas must admit Heman Marion Sweatt, a Negro, to the all-white University of Texas law school, instead of forcing him to attend a new Negro law school, which the court found, far lacked the same educational opportunities. All the nine justices joined the ruling.

3. Chief Justice Vinson—that Oklahoma could not make G. W. McLaurin, a Negro graduate student, sit apart from whites at the University of Oklahoma, and be separated in other instances. Again all the justices shared this decision.

In the Sweatt and McLaurin cases, the Supreme Court did not lay down an extensive treatise on the question of ending segregation generally in public educational institutions.

It dealt with the two specific cases, but the effect was nevertheless regarded as wide in scope. Nor did the court, as requested by the Federal Government and the Negro appellants in the various cases, upset its 54-year-old precedent that "separate but equal" facilities for Negroes do not violate the equal protection clause.

On this point, Chief Justice Vinson said in the Sweatt case, that the court could not agree with Texas that the old doctrine should be affirmed. On the other hand, he said that the court did not "need" to rule on Sweatt's argument that the old ruling should be re-examined and abandoned.

When Henderson approached the Supreme Court, the ICC defended its action in approving the plan, but the Justice Department opposed it.

"The denial of dining service to any passenger by the (rules) subjects him to a prohibited disadvantage," Justice Burton's opinion said.

"Under the rules, only four Negro passengers may be served at one time and then only at a table reserved for Negroes. Other Negroes who present themselves are compelled to await a vacancy at that table, although there may be many vacancies elsewhere in the diner.

"The railroad thus refuses to extend to those passengers the use of its existing and unoccupied facilities. The rules impose a like deprivation upon white passengers whenever more than 40 of them seek to be served at the same time and the table reserved for Negroes is vacant."

Surprise came from some quarters that the three cases, argued early in April, resulted in unanimous findings. Questions from the bench at that time gave some speculation that there might be a few dissenters. There was special interest too over the comparative brevity of the opinions, in view of their importance. Justice Burton used only nine pages in disposing of the dining car case, while the Chief Justice found no more than six and five necessary, respectively in the Sweatt and McLaurin disputes.

All the cases have attracted sharp attention and have been hard pressed in the lower courts and in the Supreme Court itself. Through the Department of Justice, the Federal Government joined the Negroes in demanding an end of segregated practices. The Southern railways declined to comment upon the decision Monday night, saying it would await study by its officers. The Association of American Railroads had no statement, informally stating that the matter was one for the individual carriers.

Chief Justice Vinson, author of the Sweatt opinion, noted the reluctance of the Supreme Court to deal with constitutional issues except "in the particular case before it." He described how Sweatt, seeking admission to the University of Texas Law School at Austin, was refused "solely because he is a Negro." At that time, there was no Texas law school admitting men of that race.

However, Texas later set up a Negro law school at Houston, but Sweatt refused to attend. Eventually he brought his case to the Supreme Court at Washington.

The Chief Justice stated that the Negro law school "excludes" 85 percent of the population of Texas, and most of the lawyers, witnesses, jurors, judges and others with whom Sweatt would deal when he became a member of the Texas bar.

In the third case, G. W. McLaurin fought segregation rules forcing him and 23 other Negroes, for instance, to sit in different rows, while attending classes with whites at the University of Oklahoma graduate school. Holding a Master's degree, he cought one as doctor of education. Originally he was denied admission on racial grounds, but the Oklahoma Legislature amended the state laws to allow admission on a segregated basis.

He was required, said the Chief Justice, first to sit in an adjoining room from the classroom, at a special desk on the mezzanine floor of the library, and to eat at a different time from other students in the cafeteria.

Such restrictions, said the Chief Justice, "set McLaurin apart" from other students, and thus he is "handicapped" in pursuing his effective graduate instruction.

Sweatt And R. R. Cases Are Heard

WASHINGTON — Ambushed by the Dixiecrat-Republican wrecking crew in Congress, Truman took his fight for civil rights to the Supreme Court as Attorney General J. Howard McGrath argued in behalf of Elmer W. Henderson, that "separate but equal" facilities for Negroes violate the Constitution.

The "separate but equal doctrine," was also under attack by the NAACP representing Heman Marion Sweatt, suing for entrance to University of Texas law school. Sweatt charged in his petition that he has been denied admission solely because of his race.

Fearing that a favorable decision to the Negroes in the "separate but equal" cases would break jim crow in the South, the attorney generals of 11 Southern states joined the legal representatives of Texas and Oklahoma in opposing Sweatt before the high court.

McGrath arguing for Henderson said, that segregation is, "in and of itself...a form of inequality and discrimination condemned by the Constitution and the Interstate Commerce Act."

Henderson charged in his petition that he was both denied service and segregated while traveling on a train through the South as a government representative during the war, when he sought to eat in the dining car.

The American Civil Liberties Union also filed brief attacking the 'separate but equal' doctrine.

12d 1950

SUPREME COURT

Elmer W. Henderson
G.W.McLaurin
Heman Marion Sweatt

Gain Entry To Colleges And Diners

The Courier-Journal Washington Bureau.

Washington, June 5.—Advocates of equal rights for Negroes won three battles today but not the war.

The Supreme Court, without dissent, ruled in favor of three persons who contended their civil rights had been violated. In so doing the court held that segregation of Negroes in railroad dining cars violates the Interstate Commerce Act. It also held that Negro students must be admitted to the University of Texas Law School because the State does not afford them facilities equal to those for whites. And it held that Oklahoma had been discriminating against Negro students at its State university law school by segregating them in classrooms and elsewhere on the campus.

McGrath Attacks Contention

But the high court steered clear in all three cases of the attack on the "separate but equal" doctrine established in the Plessy case of 1896.

Especially in the railroad case was a fight made to overthrow the 54-year-old doctrine. The Department of Justice took the side of the appellant against the Interstate Commerce Commission and argued there can be no such thing as "separate but equal" facilities and treatment. In a brief and in arguments by Attorney General McGrath, it contended the mere fact a Negro has to use a separate public facility prevents him from having an equal facility. It is just as sensible, the department argued, to say that a thing can be "black but white" as to insist it can be "separate but equal."

Had the Supreme Court gone into the matter as deeply as the Justice Department asked and ruled in its favor, there would have been practically nothing left of segregation laws. Such a ruling would have been a great deal more far-reaching than the passage by Congress of any F.E.P.C. or other civil-rights law.

Sticks to Cases at Hand

But as had been more or less expected, the court adhered to its long-established practice of not determining constitutional issues if other grounds for decisions exist.

Chief Justice Vinson said today in the Texas case:

"Broader issues have been urged for our consideration, but we adhere to the principle of deciding constitutional questions only in the context of the particular case before the court. We have frequently reiterated that this court will decide constitutional questions only when necessary to the disposition of the case at hand, and that such decisions will be drawn as narrowly as possible.

"Because of this traditional reluctance to extend constitutional interpretations to situations or facts which are not before the court, much of the excellent research and detailed argument presented in these cases is unnecessary to their disposition."

Was Denied Seat In Diner

The railroad test case was brought by Elmer W. Henderson, Washington, director of the American Council On Human Rights. He was denied a seat in a Southern Railway diner in 1942 while traveling from Washington to Birmingham as a representative of the wartime F.E.P.C.

There were two tables for Negroes which were separated by a curtain when so occupied, but they could not be used by Negroes if any white persons sat there first. The railroad since has changed its regulations. Under them one table is reserved exclusively for Negroes and 10 tables exclusively for whites. They are separated by a curtain.

The court held that present regulations as well as the former ones violate the I. C. C. act. That act makes it unlawful for a railroad to "cause any undue or unreasonable preference or advantage to any particular person . . . or to subject any particular person . . . to any undue or unreasonable prejudice or disadvantage in any respect whatsoever."

Pullman Case Is Precedent

Justice Harold Burton delivered the opinion. Justice Tom Clark did not participate. The others concurred.

Burton found the case was controlled largely by a previous one (Mitchell vs. U. S.) on the same subject. It involved a Negro passenger who was denied a Pullman seat although he held a ticket.

"The right to be free from unreasonable discriminations belongs to each particular person," Justice Burton said. "Where a dining car is available to passengers holding tickets entitling them to use it, each such passenger is equally entitled to its facilities in accordance with reasonable regulations. The denial of dining service to any such passenger by the rules before us subjects him to a prohibited disadvantage."

Returns Case to I.C.C.

He said also: "The curtains, partitions, and signs emphasize the artificiality of a difference in treatment which serves only to call attention to a racial classification of passengers holding identical tickets and using the same public dining facility."

The decision reversed the lower court and sent the case back there with directions to set aside the I.C.C. order that dismissed Henderson's original complaint. It also sent the case back to the I.C.C. "for further proceedings in conformity with this opinion."

The case from Texas concerned the right of Heman Marion Sweatt, a Dallas Negro, to enter the University of Texas Law School. It had attracted almost as much attention as the Henderson case. Among persons and groups intervening with petitions in his behalf were 188 law professors from 41 schools and the Federal Council of Churches of Christ in America. The council argued that separation itself is illegal discrimination, unequal, and un-Christian.

11 Southern States Protest

On the other hand, 11 Southern States (including Kentucky) filed a brief asserting the Supreme Court would destroy the whole public-school system in the South if it outlawed separation of Negroes and whites.

The decision did not "outlaw separation." It said Sweatt may claim "his full constitutional right—legal education equivalent to that offered by the State to students of other races." Said the court: "We hold that the equal-protection clause of the 15th Amendment requires that petitioner be admitted to the University of Texas Law School."

Sweatt was denied entrance in 1946. The State subsequently established a Law School for Negroes. But the court held that "we cannot conclude that the education offered is substantially equal to that which he would receive if admitted to the University of Texas Law School."

Goes to Court Second Time

Justice Vinson also delivered the unanimous decision in the case of G. W. McLaurin, the first Negro ever admitted to the Unversity of Oklahoma Law School. He entered the school in 1948 after a special three-judge Federal Court labeled unconstitutional the Oklahoma statutes excluding Negroes. Later he went to court again because he—and subsequently 23 other Negroes—were forced to listen to lectures from an anteroom and to study and eat apart from other students.

The second time the court held that the Constitution does not authorize abolition of social or racial distinctions which the State has traditionally authorized. McLaurin appealed this finding to the Supreme Court, basing his argument on the 14th Amendment, which says in part: "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States . . ."

Says He's Restricted

Vinson today said the restrictions obviously were imposed to comply with the laws of Oklahoma. "But they signify that the State, in administering the facilities it affords for professional and graduate study, sets McLaurin apart from the other students. The result is that appellant is handicapped in his pursuit of effective graduate instruction. Such restrictions impair and inhibit his ability to study, to engage in discussions and exchange views with other students, and in general, to learn his profession . . .

"We conclude that the conditions under which this apellant is required to receive his education deprive him of his personal and present right to the equal protection of the laws."

14th Amendment Violated In Sweatt, McLaurin Cases

Court Opens Texas Law School To Race Student

By International News Service

WASHINGTON — The U. S. Supreme Court held Monday that the "equal protection of the law" requirement in the 14th Amendment was violated in the case of Heman Marion Sweatt, who attacked Texas' provision of a separate Negro law school, and in the case of G. W. McLaurin, Oklahoma law school student.

McLaurin was admitted to the state's white school, but was separated from white students in classrooms and other facilities. The court's action was unanimous.

The court declared that the equal protection clause of the 14th Amendment requires that Sweatt be admitted to the University of Texas law school.

The court pointed out that despite the excellence of promised improvements to the Negro school, Negro students would be isolated from the persons with whom they would later associate in the practice of law.

* * *

THE SWEATT CASE had been before the courts for four years, and up until the time the United States Supreme Court on Nov. 7, 1949, agreed to accept it for review, had been subjected to six or seven rulings by state courts.

The case had its inception on May 1, 1946, when the petitioner filed in the 126th District Court of Travis County at Austin, Texas, a petition for a writ of mandamus seeking his admission to the University of Texas from which he had been excluded solely because of race and color.

On June 17, 1946, a hearing was held, and on June 26 the District Court entered judgment declaring the state's refusal to admit the petitioner to the University of Texas school of law constituted a denial of equal protection of the laws since this institution was the only one within the state providing legal training.

The court, however, refused to grant the writ at that time and gave the respondents six months to provide a course of legal instruction "substantially equivalent" to that which was provided at the University of Texas and retained jurisdiction of the case during that period.

A second hearing was held on December 17, 1946, and the court entered final judgment dismissing the petition on the ground that the state had made available another law school providing legal training "substantially equivalent" to that offered at the University of Texas, and, therefore had complied with its order of June 26.

This judgment was entered, although, according to the attorneys for the petitioner, the record clearly shows that no such law school had been established for petitioner and other Negroes. Instead, the state had only promised to furnish separate legal educational facilities in the future.

On March 26, 1947, the Texas Court of Civil Appealsset aside the judgment of the trial court without prejudice and remanded the case for further proceedings. On May 12-18, 1947, a trial on the merits was held in the lower court. On June 17, 1947, judgment was entered for the respondents and the petition for a writ of mandamus was dismissed. This decision the Court of Civil Appeals affirmed on February 25, 1948.

* * *

MOTION FOR A rehearing was denied March 17, 1948. September 8, 1948, the Supreme Court of Texas denied the application for a writ of error, and on Oct. 27, 1948, a motion for a rehearing was overruled.

A petition for a writ of certiorari was granted by the United States Supreme Court on Nov. 7, 1949. Both the Sweatt and the McLaurin cases were argued before this court on April 3-4, 1950.

* * *

In the McLaurin case, for the first time the three-judge federal court procedure was used to raise the constitutional point of racial discrimination in education, requiring much shorter time to obtain a final decision than by proceedings through the state courts as was done in the other case.

McLAURIN'S CASE WAS filed on Aug. 5, 1948, and on Oct. 6, 1948, the three-judge court ruled that the segregation statutes of Oklahoma were unconstitutional as applied to McLaurin.

Another hearing was requested after McLaurin was admitted to the University of Oklahoma but required to sit in the doorway rather than in the main body of the classroom and on Nov. 22, a final judgment was made that this segregation was not in violation of the Fourteenth Amendment. The case was appealed direct to the United States Supreme Court and jurisdiction was noted by that court on Nov. 7, 1949.

The Solicitor General of the United States, Philip B. Perlman, filed a brief on behalf of the United States of America as a friend of the court, pointing out that the "separate but equal doctrine did not conform to the Constitution of the United States.

* * *

A SPECIAL COMMITTEE of 187 law professors from leading law schools of the country, including southern law schools, filed a very elaborate brief amici curiae giving the results of their research which showed that segregation in law school education was unconstitutional and in violation of the Fourteenth Amendment.

There were other briefs filed as friends of the court by such organizations as the CIO, the American Federation of Labor, Federal Council of Churches, American Jewish Congress, American Veterans Committee, and the American Federation of Teachers.

All of these briefs supported the petitioner and appellant in these cases and showed the interest of the organizations in the litigation and the legal reasons why the segregation being practiced in the southern states was unlawful and unconstitutional.

* * *

THE ATTORNEY GENERALS of 11 southern states, Alabama excepted, filed a brief in which they sought to justify the segregation practiced by the southern states as a necessary expedient.

Rep. Williams Speaks Mind On Supreme Court Rulings

A speech, dealing with the recent Supreme Court rulings on segregation, was made by Rep. John Bell Williams of Mississippi on the floor of the House of Representatives three days following the announcement of the decision.

Text of the speech, filed in the Congressional Record, follows:

"Mr. Speaker, last Monday, June 5, 1950 will be remembered in the history of our Republic as a day of national disgrace. It was on that day that the Supreme Court of the United States shed its robes of historic dignity, laid aside its conscience, dragged the Constitution in the dirt, and came forth with the four most shameful political decisions ever rendered by that body.

"Its rulings in the Sweat, McLaurin, Henderson, and Tidelands cases strike at the fundamental basis on which American freedom has stood for almost two centuries. Brazenly, and without apparent qualms of conscience, the Supreme Court reversed precedent of a hundred and fifty years' standing, to surrender abjectly to the demands of organized minorities engaged in a war of attrition against our democratic institutions.

"Disregarding the constitutional designation of authority to the legislative branch to pass and repeal laws, and in complete contradiction of their limited functions, they have voluntarily commited a crime of usurpation which can be measured only by the yardstick of their own degradation. They are usurping the constitutionally disignated functions of the States and the elected Congress to legislate judicially that which the Congress, for a century and a half, has consistently refused to enact.

"For years, Congress has been under constant assault from Communists and other organized minorities to outlaw segregation and to amalgamate our people into one mongrel race. To the everlasting credit of the Congress, let it be pointed out that it has consistently repelled their onslaughts, and has resisted their efforts to degrade our civilization.

"Yet, in the face of these acknowledged facts, the Supreme Court has taken it upon themselves to outlaw, by judicial fiat, a social custom which has maintained to the advantage of all races for 200 years.

"I have long had the opinion that the present Supreme Court, deliberately stacked with party patronage seekers, has ceased to be a court of law to become instead a vehicle by which the alien philosophies of certain machine politicians could be forced upon an otherwise free people.

"Never, in the history of our great Nation, has public confidence in that tribunal been so low; and never before has that Court so obviously favored momentary political expediency over historic principle and established precedent.

"Let us not be deceived; the motivating force behind this usurpation of legislative power rests in the present administration. It has openly dedicated itself to the destruction of Southern and American racial customs and institutions; to a destruction of States' Rights; and to the destruction of moral integrity in the name of material security.

"If there are those in the South who still believe that the President is their friend, let them but read the briefs of his Justice Department, and the Court's opinions in these cases.

"It was my nauseating experience in the fall of last year, to read the Justice Department's brief in the so-called Henderson case—asking the Supreme Court to reverse its former decisions permiting "separate and equal" facilities for the races.

In their brief, the Justice Department admitted that they did not seek an interpretation of the law, but demanded that the Court disregard the law as writen, and interpret it in the light of the Justice Department's demands. I quote from their brief:

"What we seek is not justice under the law as it is. What we seek is justice to which law in its making should conform.

"Where is the authority of any court to interpret the law on the basis of what they think it should be, rather than what it is?

"Similar briefs were filed in the Henderson case by the CIO, which hopes to use the Negro as a club with which to beat the white people of the South into submission; the NAACP, a gang of Negro racketeers bent upon creating racial strife and exploiting their own people; the AVA, an alleged veterans' organization, which, from its inception, has caused nothing but trouble for legitimate veterans' groups.

"The briefs filed by these organized gangs, including that of the Justice Department, would have insulted the intelligence of any backwoods justice of the peace.

"Last fall, in a speech to the House, I listed typical authorities cited in the Henderson case by the Justice Department in support of their contentions, and which, it now appears, became the basis for the Court's decisions.

"Some of these are: Native Son, a novel; Caste and Class in a Southern Town, a prejudiced lay attack upon the South; the Bolshevik; the Soviet Representative to the United Nations; and various Soviet publications.

"Thomas Jefferson said that:

"The germ of dissolution of our Federal government is in the Constitution of the Federal judiciary."

And—

"The States should be watchful to note every material usurpation on their rights; to denounce them as they occur in the most preemptory terms to protest against them as wrongs . . . not as an acknowledgment of rights, but as a temporary yielding to the lesser evil, until their accumulation shall overweigh that of separation.

"In the light of that stated philosophy, I ask you: By what right do the President and his political cohorts—embracing as they do the alien Marxist theories of socialism, and the Hamiltonian ideas of an absolute state—parade under the sacred banner of Thomas Jefferson?

"Disraeli distinguished between politicians and statesmen when he pointed out that "politicians work for the next election; statesmen for the next generation".

"Never in the turbulent history of our Nation have we needed statesmen more, or have we ever been so devoid of them. The time has come when Americans must awaken to the dangers lurking on the road down which we are being taken, and rise as one to exterminate the weevils that are undermining our constitutional freedoms; if we are to survive as a Nation and as a people, it is incumbent upon both major political parties to return to morality. Only through this, coupled with an application of honest statesmanship by those concerned with Government management, can we preserve the constitutional freedoms which are our heritage."

Abernethy Hits Court's Decision On Segregation

WASHINGTON — Congressman Tom Abernethy, of Mississippi, has issued the following statement relative to the recent Supreme Court decision on the subject of segregation:

"The Supreme Court of the United States is gradually overthrowing a long line of basic decisions and legislating by judicial decree. Recent decisions of the Court have caused alarm throughout the length and breadth of our land. But what else could be expected from the Court as now constituted? After all, not one of those dignified judges has had any real extended experience in the administration of justice and not too much in the actual practice of law.

"No doubt those who make up that august body are all fine men, of excellent character, good training and fine backgrounds. These things are essential, of course, in the qualities necessary to constitute them as suitable material for Supreme Court Judges. But, that is not enough. These qualities can be found in people of all walks of life, whether they be merchants, bankers, ministers, farmers or laborers. In addition thereto, a judge of such a high court ought to have a wide knowledge of the law; he ought to have been a successful lawyer; he ought to have had some experience in the administration of the law; and by all means at the time of appointment he ought to be free of politics and political obligations. These latter qualities are not generally found in the membership of the Court as now constituted.

"Tenure in the Senate or House of Representatives or as a cabinet officer does not qualify a person to serve as a judge in any court, high or low. Every member of the present Court has for years been very active in big time politics and all but one have held high political offices, either elective or appointive, or both. Most of them bounced from these political positions to the Supreme Bench. Good men they may be, their lives have not been generally spent as students of the law and administrators of justice. Law has not been the principal pursuit of their public service. They had not achieved eminent success in this field. This success had been in the field of politics.

"Upon deciding to build a house you seek the services of skilled carpenters and bricklayers. If illness overtakes you seek only the advice of skilled physicians. As a court litigant you want and are entitled to have your case heard and determined by a competent judge whose paramount pursuit in public life has been the study and practice of law and its administration. You can have all of these skilled services except when you reach that great and exalted body, the Supreme Court of the United States. What a shame!

"If there is any doubt but that the political lives of our Supreme Court Judges have influenced their opinions, then a careful review of their recent decisions in the light of present day political issues and particularly the platform of the Democratic Party on Civil Rights issues will dispel that doubt completely.

"The President has ordered and insists on an end to segregation in southern schools, on southern railroad dining cars, etc. The Congress has doggedly refused his wishes. For many years these customs have been under attack in our courts and in every instance the Supreme Court has refused to interfere. But not so now. The present court, made up of former Congressmen, former Cabinet officers and former high politicos, has yielded the desired opinions. So the jig is up!

"The Supreme Court of the United Sates as now constituted is not what its name implies. In knowledge of the law and actual experience the Supreme Court is at a supreme low. The Court ought to be restored to a reasonable facsimile of its old self. Appointments ought to be made from the field of experienced jurists and life long students of law and not from the arena of big time politics. A right step in this direction would be to prohibit appointment of Presidential Cabinet heads, Senators, Congressmen and other high federal or state office holders (judges excepted) who had served in any such capacity within five years prior to the date of the appointment."

Racial Ruling May End Term Of Top Court

Segregation In Schools Is Issue

WASHINGTON, June 4 (AP)—The Supreme Court may wind up its 1949-50 term tomorrow by announcing momentous decisions on the right of states to segregate Negro and white students in public schools.

Supported by the Justice Department, two Negroes have asked the highest tribunal to strike down segregation in Texas and Oklahoma State Universities.

Opposing such a ruling, 11 Southern states filed a brief with the justices which predicted public school systems of the South would be destroyed if segregation is banned.

In a companion case, another Negro has asked the high court to bar segregation in dining cars on railroads in the South which require Negroes to sit at tables separated from other diners by curtains.

The Justice Department also took up the fight for the Negro in the dining car case. In all three cases the department insisted that the Supreme Court should now overrule the 54-year-old legal doctrine that if "separate-but-equal" facilities are provided there is no violation of the Constution.

The court announced recently it had set June 5 as its goal for adjournment for the Summer vacation. Some of the justices worked overtime, day and night, last week trying to reach the deadline.

They have before them a bigger list of cases awaiting final decision after arguments were heard during the term which began last Oct. 3. They also have before them a bigger list of petitions asking reviews of lower court rulings. It is up to the court to say whether it will hear the appeals.

Cases which the court accepted for review and which now await only its verdict, include:

The government's suits for paramount rights, or full title, to submerged oil lands off the coast of Texas and Louisiana.

The right of any person held abroad by American officials to file habeas corpus proceedings in a federal court in the United States.

Cook Sounds Warning On Segregation Decisions

Attorney General Stresses Governor's Duty In Exchange Address; Pendleton President

ALBANY, Ga., June 17—(AP)—Atty. Gen. Eugene Cook, of Atlanta, Saturday warned that "the time is not too remote when the impact of the segregation, Texas tidelands, county unit and FEPC development will mean complete social and economic readjustment of the most drastic nature" in Dixie.

The Attorney General, addressing members of the Georgia Exchange clubs in their annual convention meeting at the Hotel Gordon here, also expressed the hope that "foreign agitators will not attempt to impose upon us a hasty and improper demand that we completely comply with the mandate of the Supreme Court decisions involving segregation."

Cook called for the election of "a governor upon whom we can depend to use the facilities of the State Law Department and his influence to the fullest extent in opposition to what appears to be an effort to destroy our southern concept of state sovereignty."

The attorney general expressed considerable disturbance over what he termed "the attitude of those who insist that the recent Supreme Court decisions on segregation, the county-unit system, the tidelands cases and the status of FEPC are not issues in the current gubernatorial campaign."

Up to Governor

He added that his duties include the defense of the state's segregation laws. Further: "My official action as attorney general is dependent in a large measure upon the attitude and action of the governor. . . . He may or may not use his influence as governor in opposition to compulsory FEPC."

He said "there is no statutory compulsion imposed upon the governor should he choose to abandon his oath and the facilities of my office to oppose the current trend toward socialism and the destruction of state sovereignty. We would be helpless unless and until he were removed from office by impeachment."

Cook said "it should never be forgotten that it is the constitutional duty of the governor of this state to take whatever action is necessary, even if such action is against the central government, to preserve the peace and good order of our state's society, to enforce our laws and to preserve our state's sovereignty within the framework of the Federal constitution."

He warned the segregation cases "are definitely the forerunners of a showdown on all segregation laws in 17 states and the District of Columbia."

Pendleton President

R. S. Pendleton, of Atlanta, was elected President of the Georgia Exchange Clubs at the final business session of the clubs' silver anniversary jubilee convention that ended Saturday afternoon. Pendleton succeeds Joe F. Pruett, of Macon, who was elected secretary-treasurer for the coming year.

Other officers elected include Milton B. Ellis, Savannah, vice-president, and J. B. Fuqua, Augusta; Shack Wimbish, Rome; O. L. Olson, Sr., East Atlanta; Ray Pope, Waycross; Ed Tucker, Lithonia, and C. A. Smith II, Albany, members of the board of control.

Atlanta was selected as the 1951 convention site.

At the concluding session, the convention adopted resolutions commending Gov. Talmadge, the General Assembly and the Ports Authority for development of the ports of the state at Savannah and Brunswick.

The resolution called for development of inland ports of Augusta, Columbus and others in order to put Georgia back in the front in the import-export business.

Resolutions also were passed offering the Georgia Forestry Association assistance in the conservation of the state's forests.

Supreme Court Again Upholds Negroes' Educational Rights

Washington, Oct. 9 (U.P.)—The United States Supreme Court, in its first business session of the 1950-51 term, reaffirmed today its ruling that State universities must admit Negroes if equal educational facilities are not otherwise provided for them.

The tribunal refused to consider its decision last June that required the University of Texas Law School to admit Heman Marion Sweatt, a Dallas Negro.

Refuses Another Review

It further emphasized its position by declining to review a Maryland Appeals Court ruling that the University of Maryland must admit Esther McCready, a Baltimore Negro, to its Nursing School.

The cases were among some 300 the bench refused to review or reconsider. It still must rule on a number of other petitions for review.

The court also refused to intervene in two other recial-rights cases. It decided against reviewing the case of Samuel L. Davis, Negro schoolteacher who protested that white and Negro teachers are paid unequal salaries in Atlanta. A lower court ruled that Davis should have appealed to State and City Boards of Education before suing.

Turns Aside Claims

The court also turned aside claims by five Oklahoma City Negroes who are suing to retain property purchased in neighborhoods where homeowners had agreed to sell only to white persons. The court has ruled that racial covenants are not enforceable, but the 10th U. S. Circuit Court of Appeals held the constitutional issue was not brought up at the original trial.

The court refused to review the appeal of Senator Taylor (D., Ida.) from an Alabama disorderly conduct conviction in Birmingham during the 1948 presidential campaign, when Taylor was a vice-presidential candidate on the Progressive Party ticket. Taylor tried to enter a hall through a door reserved for Negroes. He was fined $50 and sentenced to 180 days at hard labor.

Won't Consider Complaint

The court also refused:

1. To consider a complaint from some Jehova's Witnesses who said they were unconstitutionally denied use of a school hall in Grand Rapids, Mo.

2. To decide whether Pioneer News Service, St. Louis racing information service, was deprived legally of telephone facilities by Missouri officials. The Missouri Supreme Court ruled the facilities should not have been ordered reinstalled by State Circuit Court Judge James F. Nangle.

The court agreed to:

1. Accept a fourth case testing constitutionality of the Federal Government's employee-loyalty program. The case involves the International Workers Order, Inc., New York, self-styled "nonprofit fraternal and insurance society." It is on the Justice Department's list of subversive organizations.

2. Review a lower-court ruling involving the issue whether the Government must compensate a company after temporarily taking control of its property to prevent a strike. The Government claims an adverse decision would cost it "scores of millions" of dollars.

Will Rule on 'Contempt'

3. Decide whether George B. McSwain, an F.B.I. agent, may be judged in contempt for failure to produce confidential F.B.I. files in court. McSwain refused to hand over the papers, on order of his superiors, during a Chicago trial last year.

4. Decide whether an individual may be sued for damages for trying to deprive other persons of their federal right of free assembly. The case involves the Crescenta-Canada Democratic Club, La Crescenta, Cal.

Court Fails To Act On Education Suit

WASHINGTON, D. C.—(NNPA) The United States Supreme Court at Monday declined to review the decision of the Maryland Court of Appeals holding that the State of Maryland must afford Miss Elizabeth McCready, 19-year-old young woman of Baltimore, nursing education within the state.

The only state supported institution at which such education is available is the School of Nursing at the University of Maryland at College Park, Maryland.

The effect of the court's refusal to grant the petition for a review of the case was to leave Dr. Harry C. Byrd, president, and other university officials no alternative except to admit Miss McCready to the School of Nursing on the campus at College Park.

Dr. Byrd and other university officials have shown a willingness to permit colored students to enroll for graduate and professional training in off-campus schools, but they vigorously resisted their admission to courses on the university campus.

In the case of Miss McCready, university officials sought to avoid enrolling her at College Park by arranging for her to attend the School of Nursing at Meharry Medical College under the "Regional Compact" which Governor William P. Lane, Jr., entered into with the Governors of thirteen other southern states.

The total expenses incident to her attending Meharry, including necessary travel and room and board, it was agreed by counsel, would not exceed the cost of her attending the university of Maryland.

Evidence at the trial showed that educational facilities for nursing education at Meharry were at least substantially equal, if not superior, to the faculties offered at Maryland.

But the Maryland Court of Appeals sustained the petition of Miss McCready that sending her to Meharry would deprive her of the equal protection of the laws and therefore, abridge her constitutional rights.

It also ruled that a group of states cannot combine in a compact for the purpose of providing regional education and under such a compact, effect racial segregation even if the facilities offered at the out-of-state institutions are at least equal to the facilities provided in the home state.

Meanwnile, in Baltimore, a Federal court order directing the State Board of Education to admit a colored student to advanced studies at the State Teachers College at Towson, Maryland, was sought shortly after a Baltimore judge ruled that a colored student must be admitted to a graduate course in sociology on the University of Maryland campus.

The new action was brought by Vernon F. Roberts, who contended that he has been denied the right to become an advanced student at the Towson school. Roberts alleged that he is at present a third year student at Coppin Teachers College.

Roberts said he is unable to obtain the advanced instruction at Coppin and that he has been denied the right to attend the school at Towson solely because he is colored.

Judge John T. Tucker, in Baltimore City Court, recently ruled that Parren J. Mitchell is entitled to take a graduate course in sociology at College Park. The judge ruled that the efforts of the university to set up a complete course in graduate sociology in Baltimore were inadequate.

Basing his decision largely on the Supreme Court's decision in the case of G. W. McLaurin, holding that the University of Oklahoma, having admitted McLaurin to a graduate course in education, could not treat him differently than it did other students, Judge Tucker declared that "unequal opportunities available to the petitioner in this case are more pronounced than those of McLarin . . . ."

In that case, the University of Oklahoma required McLaurin to occupy a seat in a special row reserved for colored students, a designated table in the library and a special table in the cafeteria.

Judge Tucker pointed out that seminar courses, which are of great importance to a graduate student, would prove of little value in the Baltimore school because Mitchell was the only person enrolled in the fulltime course there.

University of Texas Accepts Two Negroes

Bows to Ruling Of Supreme Court

Austin, Tex., June 7 (AP)—The University of Texas accepted two Negro students today, bowing to the U. S. Supreme Court's segregation ban.

John Saunders Chase, Austin, 25, a veteran of World War II, became the first Negro to enroll since the university opened 67 years ago. Chase will study for a master's degree in architecture.

Horace Lincoln Heath, 50, Waco, who will seek a degree of doctor of philosophy in government, was the second.

Heman Marion Sweatt, Houston Negro postman whose suit against the university broke down its segregation barriers, is to enroll in September. The Supreme Court ruled Sweatt must be admitted because the law facilities at the Texas State University for Negroes at Houston are not equal to those at the University of Texas.

Lost In State Courts

Sweatt tried to enter the university Law School four years ago. He was rejected on grounds that he was barred under Texas laws providing for separate public schools for Negroes and whites.

Sweatt lost in Sttae courts, but won the final round before the United States Supreme Court Monday.

University of Texas officials said Sweatt, Chase, and Heath were recognized as eligible for nonsegregated admission to graduate schools.

They referred to the Supreme Court's decision holding that the Law School at Houston was not substantially equal to the university Law School. They said the Negro university also could not provide for Chase and Heath.

Both Negro students followed the usual routine in filling out forms, standing in line with whites for registration in classes, and paying fees. Their presence attracted little attention.

"I'm very happy to be here," Chase said.

Associated Press Wirephoto

JOHN SAUNDERS CHASE
University open to him

Heath received the bachelor-of-science degree from Colby College, Waterville, Me., and a master's degree from the University of Pennsylvania. Chase holds a bachelor-of-science degree from Hampton University, Hampton, Va.

SEGREGATED EDUCATION
DINING CARS- Interstate Commerce

Supreme Court Strikes 3 Blows At Segregation

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or the immunities of citizens of the United States, nor shall any State deprive any person of life, liberty or property without due process of law, nor deny any person within its jurisdiction the equal protection of the laws."

—First paragraph of the 14th Amendment to the U. S. Constitution.

CIO News

THE SUPREME Court, in three unanimous decisions, struck blows at segregation of Negroes last week.

In two of the cases involving universities, the court based its decisions on the section of the 14th Amendment quoted above, and in the third case it found that segregation in a railroad dining car violated the Interstate Commerce Act.

The court upheld the position of the CIO in one of the cases. General Counsel Arthur J. Goldberg had filed a "friend of the court" brief on the case of G. W. McLaurin.

In that case the court held that Oklahoma could not make McLaurin, a graduate student, sit apart from white students at the Univ. of Oklahoma and be separated in other instances.

He holds a master's degree and sought one as a Doctor of Education. At first he was denied admission, but the Oklahoma Legislature amended the state laws to allow admission on a segregated basis.

McLaurin was forced to sit apart from white students in classes and at designated tables in the library and at the cafeteria.

Chief Justice Fred M. Vinson, who wrote the opinion in this case, said: "Such restrictions impair and inhibit his ability to study, to engage in discussions and exchange views with other students, and in general, to learn his profession.

IT COULD BE argued, said the Chief Justice, that McLaurin even with the restrictions removed might be set apart by his fellow students.

"This we think is irrelevant," Vinson wrote. "There is a vast difference—a Constitutional difference — between restrictions imposed by the state which prohibits the intellectual commingling of students and the refusal of individuals to commingle where the state presents no such bar."

The court held that McLaurin was deprived of his "personal and present right" to equal protection of the laws.

"We hold," the opinion continued, "that under these circumstances the 14th Amendment precludes differences in treatment by the state based on race. (He) having been admitted to a state-supported graduate school, must receive the same treatment at the hands of the state as the students of other races."

Legality of the restrictions in the light of the amendment was the issue which, Goldberg said in his brief, the court would have to decide.

The CIO also had sought to intervene in another case involving the Univ. of Texas Law School, but was barred from filing a "friend of the court" brief in that state by the objections of the Texas attorney general.

In that case Vinson held that Texas must admit Heman Marion Sweatt, a Negro, to the law school instead of requiring him to attend a new Negro law school.

Vinson made this ruling despite the fact that a new law school had been opened, since the trial of the case, at the Texas Univ. for Negroes. Sweatt brought the case after he had been refused admission to the Univ. of Texas Law School at Austin, and after he refused to attend a Negro law school at Houston.

The Chief Justice found that the Negro law school excludes 85% of the population of Texas.

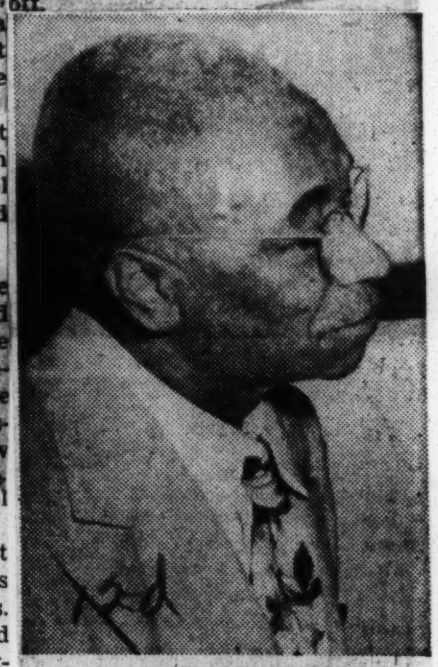
"With such a substantial and significant segment of society excluded," the court said, "we cannot conclude that the education offered is substantially equal to that which he would receive if admitted to the Univ. of Texas Law School."

AGAIN THE court cited the 14th Amendment, this time holding that it required that Sweatt be admitted to the Univ. of Texas Law School.

In neither case did the court, as it was asked to do by the Federal Government and the appellants, upset its 54-year-old precedent that "separate but equal" facilities for Negroes did not violate the equal protection clause of the amendment.

The dining car case began eight years ago when Elmer W. Henderson, then a field representative for the President's Committee on Fair Employment Practices, was refused a seat in the white section of the dining car of a Southern Railway train while going through Virginia. The seats conditionally held for Negroes were occupied.

The Interstate Commerce Commission considered the case a "casual incident" brought about by the "bad judgment" of an employe. The Southern Railway later reserved 10 tables for whites, and one table with four seats for Negroes, but this was curtained off.

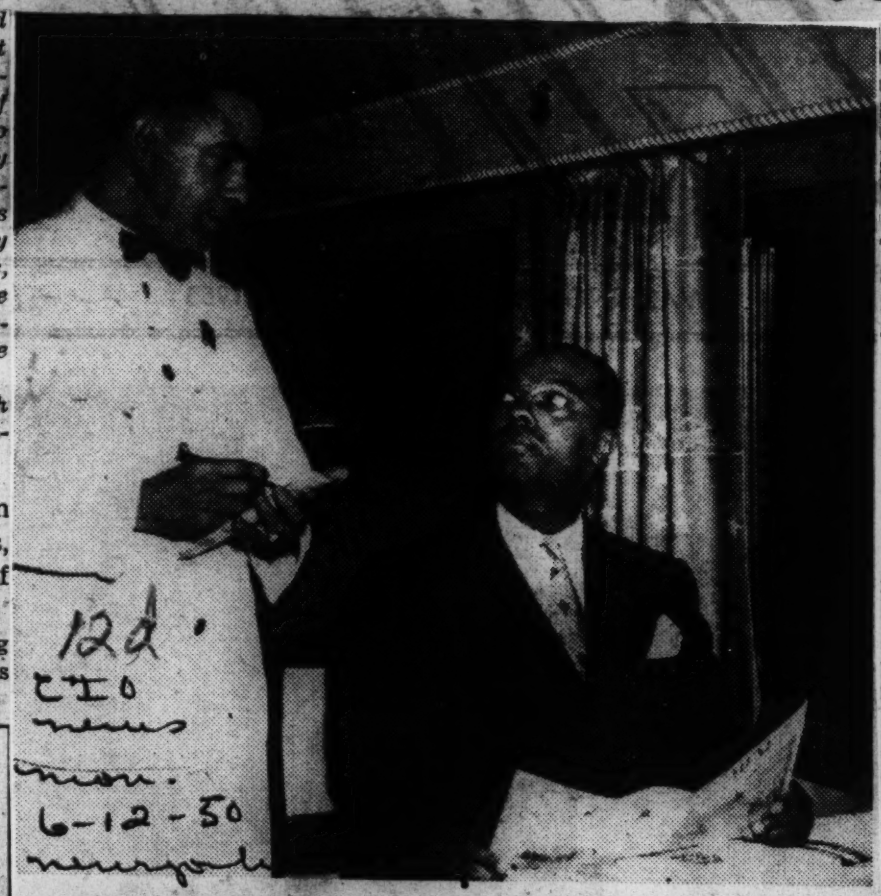


G. W. MCLAURIN

The U. S. Supreme Court has ordered the Univ. of Oklahoma Law School to cease its segregation practices against McLaurin.

Justice Harold H. Burton, who wrote the opinion in this case, said that "curtains, partitions and signs emphasize the artificiality of a difference in treatment which serves only to call attention to a racial classification of passengers holding identical tickets and using the same public dining facility."

He said that the Interstate Commerce Act made it illegal for a railroad to subject anyone to "undue or unreasonable prejudice or disadvantage."



ELMER W. HENDERSON (seated), Washington, D. C., Negro, loses no time in demonstrating the victory he won in the U. S. Supreme Court, which held that the Southern Railway had illegally prevented him from being served a meal in a dining car. Here Henderson is ordering a meal in a dining car which he boarded at the Union Station, Washington, following the court decision outlawing such segregation.

A Step Forward

Rep. Arthur G. Klein (D. N. Y.) announced June 7 that the National Selective Service System will drop all reference to race in the registrant's questionnaire after the present stock of questionnaires has been used up. Selective Service officials acted after Klein complained.

South Greets New Segregation Rulings With Mixed Reactions

BY MERCER BAILEY
Associated Press Staff Writer

Consternation, elation and outright defiance were the Southland's mixed reaction today to the U. S. Supreme Court's latest rulings against segregation.

Many leading Southerners termed the decision "far reaching," and withheld comment until they can determine just what the affect will be.

* * *

THE SUPREME COURT yesterday ruled:

1. That a Negro law student must be admitted to the all-white University of Texas. It held the separate facilities offered Negroes are not equal.
2. That Negro graduate students at the University of Oklahoma must not be made to sit apart from white students in classrooms.
3. That railroads must not segregate white and Negro passengers in dining cars.

None of the decisions bans segregation as such, in general; each ruling dealt with a specific case.

* * *

IN THE IMMEDIATE wake of the high court's rulings came word that all attorneys of the National Association for the Advancement of Colored People will meet in New York to plan the association's future course of action.

Reaction in the South to the court's ruling depended on where the spokesman stood. For instance, Georgia's Gov. Herman Talmadge, who took up his father's mantle of white supremacy, was indignant.

"As long as I am governor, Negroes will not be admitted to white schools," he declared.

The managing editor of a Negro newspaper, The Atlanta World, was jubilant. Editor W. A. Fowlkes said the court's edicts "certainly will be a means by which the South will join in the parade of democracy."

* * *

DR. T. S. PAINTER, president of the University of Texas, said the Negro, Heman Marion Sweatt, will be admitted "if that is the order of the U. S. Supreme Court as interpreted by Atty. Gen. Price Daniel." Daniel did not say what his interpretation would be.

Dr. George L. Cross, president of the University of Oklahoma, said the ruling affecting his school "apparently knocks out all segregation in graduate schools at Oklahoma University." But he added he doesn't think it will mean a great influx of Negro students next Fall.

SOUTH CAROLINA'S Gov. J. Strom Thurmond, candidate for president in 1948 on a states' rights ticket, said in a statement:

"These decisions are the fruits of the campaign President Truman and his cohorts have been waging against the South for many months. x x x it is apparent that they are a part of the effort to destroy states' rights in this country."

In the Texas and Oklahoma cases, the court stuck by the old legal theory of "separate but equal." But the decision caught the South with its "equal" facilities for Negroes down.

Not one Southern state supports a Negro medical school. Not one Southern Negro university can award a Ph. D. degree.

M. D. Collins, Georgia's public school superintendent, estimated it would take $100,000,000 to bring that state's Negro public schools to a par with the white schools

* * *

GOV. TALMADE added in his statement:

"The line is drawn. The threats that have been held over the head of the South for your years are now pointed like a dagger ready to be plunged into the very heart of Southern tradition."

The Atlanta Constitution observed editorially:

"The Texas decision was not unexpected. It ought to serve as a warning to Georgia and the South that educational facilities must really be equal."

Chairman Millard Caldwell of the Board of Control for Southern regional education said the rulings have no affect on that program. The board supervises a cooperative plan under which Southern states lacking facilities for Negro or white students may send them to an out-of-state school.

* * *

JOHN BACKSTROM, chairman of the board of trustees of state institutions of higher learning in Mississippi, commented:

"The decision went far beyond my expectations. x x x I would rather think about it awhile since it is so far reaching. I don't know just how it will affect us down here."

Throughout the South Negroes are resorting to the courts to force equal facilities or entry into white schools. In North Carolina four suits involving educational segregation are pending. One affects the University of North Carolina and three the public schools. Four suits are pending in Louisiana in which Negroes demand equal education in public schools.

In Florida six suits are pending in which Negroes seek admission to various professional and graduate schools of the all-white University of Florida. Two suits demanding equality in public schools are pending in Georgia.

In Kentucky, a new state law becomes effective June 15 permits boards of trustees for various institutions to vote to let Negroes take courses not provided by the Negro state college. Some Kentucky schools already admit Negroes, as does the University of Arkansas in its graduate schools of law and medicine.

* * *

McCorvey Says Maybe Senators Will 'Awake'

MOBILE, Ala., June 6—(AP)—An Alabama States Rights leader declared today U. S. Supreme Court rulings on racial segregation issues may make some Southern senators "become realistic."

Chairman Gessner T. McCorvey, of the State Democratic Executive Committee, called no names in a sharply worded statement. He commented on yesterday's rulings against excluding a Negro student from the University of Texas law school.

* * *

DURING THE RECENT Alabama primary, McCorvey criticized Alabama Sens. Lister Hill and John Sparkman for their fight to restore the state's party machinery to regular Democrats.

In the primary, party loyalists seized control of the state committee from States Righters.

* * *

N. C. & St. L. Trains Soon To Begin Complying

NASHVILLE, Tenn., June 6—(AP)—W. S. Hackworth, president of the Nashville, Chattanooga and St. Louis Railway, said today N. C. & St. L. operates three North-South trains which carry diners. They include the Chicago-Miami Dixie Flagler, the Chicago-Miami Dixie Flyer and the Chicago-Jacksonville Georgian.

No intrastate N. C. & St. L. trains carry diners.

Dixie Members Of Congress Criticize Them

BY PAUL M. YOST

WASHINGTON, June 6—(AP)—The Supreme Court's anti-segregation rulings brought criticism from some Southern members of Congress today and set railway officials studying what to do about dining car service to comply with both federal and state laws.

First comment from railroad officials was cautious, but it was apparent that a question remains whether the high court's ruling will open dining cars in the South to all Negro passengers on an unrestricted basis.

* * *

THE COURT'S rulings yesterday struck down dining car segregation for interstate commerce and also outlawed segregation as practiced in two Southern state universities—Texas and Oklahoma.

Where the railroads are concerned, the words that leave questions are "interstate commerce."

The point is that the high court's decision was an interpretation of the interstate commerce act—which applies only to service across state lines. Intrastate passenger service—that is travel between two points within a state—comes under jurisdiction of state railroad governing bodies.

The Supreme Court ruled in an action brought against the Southern Railway by Elmer W. Henderson, a Washington Negro, who complained he was denied equal dining car service while traveling interstate.

The court referred the case to the Interstate Commerce Commission for an appropriate order.

* * *

COMMENTING ON THE decision, Sidney S. Alderman, vice president and general counsel for the railroad, said in a statement that "the railway will of course comply with whatever order is ultimately entered by the I. C. C." But he went on to note that "the Henderson case involved only the rights of an interstate Negro passenger as to service in dining cars."

Many Southern Democrats in Congress were reluctant to comment, but some of those who would not say anything looked pretty grim.

Rep. Davis (D., Ga.), called the decisions "a rank usurpation by the court of legislative functions." He added: "The white people of Georgia, and I believe of the entire South, are not going to school with blacks, or eat with them, or live among them."

Sen. Kefauver (D., Tenn.), said it was "an unfortunate decision," adding: "I have always felt that the 'separate but equal' facilities proposal was the best basis for working out the problem."

A score of cases—the others were of lesser importance—were disposed of by the court yesterday before it adjourned until next October.

* * *

IN TWO LONG pending cases the court held that Negroes must be given substantial equality with white students in two state universities, Texas and Oklahoma.

Differences in treatment by a state because of race are a violation of the Constitution's 14th amendment, Chief Justice Vinson declared in the two opinions. The 14th amendment, adopted after the Civil War, guarantees equal protection of the laws to all citizens.

One of Vinson's opinions ordered the University of Texas to admit Heman Marion Sweatt to its all-white law school. Sweatt, a Houston Negro, had refused to attend a new law school set up by Texas for Negroes.

* * *

THE PRESIDENT of the university, Dr. T. S. Painter, commented at Dallas that he would obey the court if so advised by the state's attorney general. This official, Price Daniel, did not comment immediately on what he would advise. He did say that the court decision would not upset the separate-but-equal arrangement for the state's lower schools.

Vinson's second opinion ordered the University of Oklahoma to give different treatment to G. W. McLaurin, a Negro attending the university's graduate school.

McLaurin has been required to sit in a classroom row set aside for Negroes. He is assigned a special table in the library. He has a special table in the cafeteria.

At Norman, Okla., Dr. George L. Cross, president of the university, said "this apparently knocks out all segregation in graduate schools at Oklahoma University." He also said he did not expect any great influx of Negro students as a result.

The nine-man Supreme Court was unanimous in its opinions on the two university segregation cases.

* * *

THE HIGH COURT granted the federal government "paramount rights" over oil-rich tidelands off the coasts of Texas and Louisiana.

Two opinions by Justice Douglas based the rulings on a similar 1947 decision in which the federal government won top rights over the California tidelands.

* * *

IN OTHER ACTION the court:

Split six-three in holding that aliens imprisoned by U. S. authorities abroad do not have the right to apply for hearings in federal courts in this country.

Affirmed the conviction of Edward F. Prichard, Jr., Lexington, Ky., lawyer and one time prominent in New Deal circles here, on a charge of ballot box stuffing. Prichard faces a two-year prison sentence.

Refused hearings to seven Martinsville, Va., Negroes who were condemned to death for raping a white woman.

Granted a hearing to Miss Dorothy Bailey, a government employe, who was fired on disloyalty grounds.

* * *

REFUSED TO REVIEW a lower court decision that Negroes may be excluded from the Stuyvesant Town housing development in New York City.

Unanimously affirmed an order by the Federal Communications Commission which restricted a free advertising time arrangement made by Radio Station WJOL at Joliet, Ill.

Denied a hearing to the Consolidated Edison Co., of New York, Corporation, in its protest against a Public Service order cutting its electricity rates.

Deferred action on an appeal by Mrs. Ellen Knauff, German-born war bride of an American veteran, who is trying to get into the U. S. Mrs. Knauff apparently will be held by immigration officials at Ellis Island pending court action on her appeal in the court term beginning next October.

Segregation Rulings Increase Problems, Dixie Editors Fear

By The Associated Press

Southern newspaper editors, commenting on Monday's Supreme Court rulings against segregation, expressed fear that they will increase the South's problems concerning the touchy racial issue. They added, however, that the decisions were not surprising.

The court in one case ruled that railroads must not give white and Negro passengers different treatment in dining cars. In another case, the court ordered the University of Texas to admit a Negro to its law school, holding that separate facilities offered the Negro were not equal. In a third case, it ordered the University of Oklahoma to end its practice of requiring white and Negro students to occupy different rows in classrooms.

"Decisions which the Supreme Court has rendered on racial segregation pose grave problems for the South," said the Atlanta Journal. ". . . From press summaries, . . . it would seem that they add to the difficulty and danger of issues which enlightened Southern leaders are earnestly trying to meet with justice for all concerned and with a sensible regard for all the factors involved, . . . There is something of reassurance in the fact that the Supreme Court refused to go along with the radical contention that 'segregation, in and of itself,' does violence to the Constitution."

The Atlanta Constitution commented: "The established doctrine of separate but equal education facilities still stands. . . . It is important the people realize the decisions (in the Texas and Oklahoma cases) are not extreme but conservative, affirming only what the law has been all along. . . . The (railroad) decision will lend encouragement to the Klan and will provoke some ill-feeling. Actually, it will bring about no friction save from those looking for it."

The Augusta (Ga.) Chronicle said: "Racial segregation is a part of the warp and woof of the Southern pattern of life, and it is a custom not likely to be uprooted and thrown into discard overnight by the mere flourish of a legal pen. . . . The Supreme Court decision, which, sad to say, will cause some violent repercussions and hurt the cause of those striving for better race relations, offers both a challenge and a warning to the Southern states and communities which have lagged too far behind in providing equal educational opportunities for all their citizens. When this is done, the segregation issue will be a dead one. . . ."

The Birmingham News said: "Nothing is to be gained by alarm in this situation. But there is urgent need for concern, for moderation, for co-operation, and for ceaseless efforts to advance understanding and co-operation. Progress in these directions will serve the common interest. Failure to meet these problems with understanding, justice and a constructive spirit will surely intensify them, tending to release the most dangerous factors in the situation."

Segregation And The Law

The areas in which racial segregation prevails under force of law have been diminishing in recent years—indeed in recent months. Here in Birmingham there has been an example of that trend in the invalidation by a Federal District Court of zoning based on color. Yesterday in three cases the United States Supreme Court, in unanimous decisions, ruled against certain kinds of segregation.

It held that division of the races in dining cars was illegal as in conflict with a section of the interstate commerce act which forbids "any undue or unreasonable prejudice" to any persons using the railroads.

It held that a Negro student must be admitted to University of Texas classes because facilities offered for study elsewhere were not equal to those at the university.

It held that segregation of Negro students within the classroom at the University of Oklahoma was a denial of equal protection of the law.

In none of these cases did the court make a broad ruling on the "separate but equal" doctrine voiced by the court in 1896 on which so many procedures have been based. The court ruled on the specific legal issues it saw in the cases before it. It is understandable if it did not choose to make a sweeping decision which suddenly would have undermined those procedures.

But the implications of these decisions would seem to be very broad indeed. It would appear that segregation by law will likely continue to diminish.

But segregation of various kinds does not rest basically on the law. It grew out of racial differences and resulting customs. Common sense and fairness have operated in innumerable instances to modify these practices. These customs will, in the long run, continue to be primarily dependent on the basic feelings, ideas, intelligence, sense of justice and restraints of all the people concerned.

Responsible white and colored citizens alike will strive to bring to bear such factors of fundamental control in such a way as to protect and serve the well-being of both races.

* * *

Nothing is to be gained by alarm in this situation. But there is urgent need for concern, for moderation, for cooperation and for ceaseless efforts to advance understanding and cooperation. Progress in these directions will serve the common interest. Failure to meet these problems with understanding, justice and a constructive spirit will surely intensify them, tending to release the most dangerous factors in the situation.

The Supreme Court Decisions

This newspaper abstains from drawing any sweeping conclusions on this week's rulings of the U. S. Supreme Court on segregation. For the ultimate effect of them cannot be specifically established.

However, we cannot agree with Mr. McCorvey and others suffering from a Truman neurosis that "Southern civilization" will, as a result, presently be as dead as a clay pigeon.

We make bold to suggest that "Southern civilization" will survive, subject, of course, to the evolutionary changes to which all civilizations are subject.

The court plainly handled the three segregation cases gingerly and with marked restraint.

The court did not strike down the old rule that segregation may be practiced so long as the facilities for the two races are equal. That's the "separate but equal" basis on which Southern society (and much of the country's) is ordered.

The court simply ruled that in three specific cases—dining car segregation and the status of Negro students in two colleges—the separate facilities were not equal, and hence discriminatory.

What all this will mean in general and in the future, we do not pretend to know. But presumably the new ruling will affect only these three cases.

So far as can now be seen, the decisions deal with a very limited patch of the segregation pattern. Segregation in the pullmans had already broken down. Now it is broken down in dining cars.

This is scarcely a revolutionary change when all the time the airliners that take off and land at Dannelly Field have no more had segregation than the elevators in Montgomery department stores and the lines before bank windows.

There is no consistency about segregation in Montgomery or anywhere else in the nation. The contradictions are astonishing when you look about you. That is because segregation is more an emotional order than a calculated order.

But it is just because segregation is more a matter of emotion than reason that the court is dealing with a high explosive. That evil and brutal things come of rash forcing of the issue is plainly seen in such as the swimming pool riots in St. Louis and elsewhere.

The present ruling of the Supreme Court, like the holy-rolling of Mr. Truman with FEPC, is but an incident of an issue nearly 100 years old. Civil rights bills were first enacted 80-odd years ago and later invalidated.

The issue has been with us a long time and the end is not in sight.

12d 1950

SUPREME COURT

SEGREGATED EDUCATION
DINING CARS-INTERSTATE COMMERCE

Rep.James C.Davis-(Georgia)
Mr. Sam Roper,Imperial Wizard,
Ku Klux Klan

Davis, Klan Hit Ruling on Segregation

Georgia's Rep. James C. Davis and other Southern Congressmen were joined Tuesday by Klan leader Sam Roper in condemnation of the Supreme Court's segregation rulings, but railway officials had little comment on the dining car decision, awaiting a formal order from the Interstate Commerce Commission.

Davis termed the Court's action "a rank usurpation of legislative function," and congratulated Gov. Talmadge on his "prompt and vigorous declaration, with which I am in hearty accord."

In a speech prepared for the House Davis added that "the white people of Georgia and, I believe, of the entire South are not going to school with blacks, eat with them or live with them."

The Court, he said, "by its continual efforts to enforce radical ideas and philosophies upon the States and upon the people has weakened the confidence of the public in the Court."

Roper said the Court action would lead to "serious trouble in the South" if any attempt were made to enforce it. The people of the South "would not stand for it," he stated.

The Imperial Wizard said the action was a blow at "states' rights, to which the Klan is irrevocably committed."

Sen. Estes Kefauver, of Tennessee, called the ruling "an unfortunate decision. I have always felt that the separate but equal facilities proposal was the best basis for working out the problem."

Southern Railway officials here refused to make any comment. In Washington, however, a vice president of the railroad said that the "railway will of course comply with whatever order is ultimately entered by the ICC."

But he noted that the case "involved only the rights of an interstate Negro passenger as to service in dining cars." The form of the ICC order will be the basis for determining whether distinctions will be made between passengers traveling through several states or within a single state, he intimated.

As to the effect of the Court decisions on Georgia's education system, the Georgia Education Association's president, Buck Anderson, made this statement in Cedartown:

"The only thing new about Monday's Supreme Couort decision is the realization that something has to be done immediately to bring the Negro schools in the South up to a par with the white schools, or face a Court ruling to end segregation.

"We can maintain our system of segregation if the local, state and Federal Governments will act immediately to equalize school facilities between the races as required by law.

"Local school systems must make greater efforts with money and with leadership. The state should put the Minimum Foundation Program of education into operation in September, 1950. This state program will equalize the current expenditure between the races on a state level. Then the Federal-aid program should be passed at this session of Congress so that we can make up past deficiencies.

"Neither the local, state nor Federal Government can alone meet the Supreme Court's requirements. It will take all three.

"If we are to keep our system of segregation in the South, we must act now."

South Must Show Its Good Intent In Bettering Its Negro Schools

By HODDING CARTER

Editor Delta Democrat-Times
Greenville, Miss.

PERHAPS THE SUPREME COURT decisions arising from the Southern separate educational system will give impetus to the kind of stock-taking recently conducted by Greenville, South Carolina.

Despite the hue and cry that followed in their wake, those decisions must have been expected. The court did not rule upon the underlying constitutionality of separate schools or other public facilities. That means that the Southern states still have a breathing spell in which they can try to live up to their own constitutional provisions. But the decisions do make it crystal clear that equal facilities must be truly that, and not the mockery that has persisted so long.

This equality can be achieved at the high school and even the undergraduate college level. It is unlikely, however, that the Southern states can find enough money to provide separate graduate schools in such fields as medicine, law and engineering that will be equal. No Southern Negro university offers a PH.D., degree. No Southern state supports a medicine school for Negroes. Schools in engineering and law are inadequate. But the real grievances do not stem from the abstinence of equal graduate schools, even though the Supreme Court made its decision on suits brought in Texas and Oklahoma by Negro graduate students. Nor is there any evidence of animosity of a majority of white graduate students in the South and bordering states to the presence of a handful of Negro students among them.

QUITE THE CONTRARY

To the contrary, polls at the University of Oklahoma, the University of Arkansas and elsewhere indicate that most of the white students have no objection to a Negro student who wants to be a doctor or a lawyer and has enrolled in his state university for that purpose.

Inter-racial friction definitely does not appear in these nor higher levels of intellectual purposefulness. Where it comes, it is at the least level of contact. It can be avoided, as far as integration of the overall school system is concerned, by the not so simple means of making Southern public education equal. In fact the growth and inequalities in the public school provide the real grievance.

There is nothing that approaches equality of education in any Southern state. Nor can it be achieved this year or next. It is estimated that it would take another $75,000,000 to equalize facilities in Mississippi, $100,000,000 in South Carolina, and half that amount in Alabama. Sensible Southern Negro leaders know that it would be impossible to procure such sums in so short a period. They know too that a merging of the public school system is unthinkable to the white South, and would thus be unworkable despite Supreme Court decisions.

MUST SHOW GOOD INTENT

The resultant dilemma can be solved only if the South shows its good intent. One such demonstration of intent is the Southern governors' regional plan for higher education for students of both races, which, although it may not satisfy the court's directive, will provide many more Negroes with graduate school education in the South than will the court's decisions. There are many other examples of this intent to be fair.

We had one such in my own city two weeks ago when a $400,000 bond issue for a new Negro high school was approved by an 8-to-1 vote. They are occurring all the time.

The Greenville, S. C., undertaking is a truly convincing demonstration. Here is a city, shamed only three years ago by a jury's failure to convict the confessed members of a lynching mob. The community council has just finished a survey of conditions among Negroes in respect to health, crime, education, recreation, income, job opportunity, and the like. The survey, in which the Southern Regional Council participated, was thorough. The discoveries were not unexpected. But Greenville is going to do something about the survey's recommendation. Not everything. But the intent is there.

And that is more important than the Supreme Court decisions.

UNFORTUNATE DECISIONS

There was no element of surprise in the two decisions of the United States Supreme Court ruling against segregation. It was a foregone conclusion that the tribunal, being constituted as it now is, would decide that way.

From whatever angle viewed, the two decisions are unfortunate, and are so regarded by the better elements in both the white and colored races.

There has not been a general clamor among Southern Negroes for admission to the higher institutions of learning, and the number of Negroes seeking higher education in any Southern state is not sufficient to justify the building of colleges and universities offering "equal opportunity" for Negro students, and there is not a state in the South financially able to build such institutions.

The Governors and legislative bodies of several Southern states have been sincerely trying to work out some plan for regional colleges that would provide ample facilities to Negro students who seek higher education. The Supreme Court edict discourages, if it does not prohibit, the carrying out of such plans.

It may be taken for granted that Southern colleges are not going to throw wide their doors and invite Negro students, and it may also be taken for granted that Negro students who force open the doors with Federal court edicts will not find much in the way of welcome on the inside.

Instead of bettering racial relations the decision means destruction of much that has been accomplished in that respect.

Segregation Decisions

WASHINGTON—The Supreme Court's historic decisions which make segregation in interstate travel impossible and segregation in higher education so expensive as to be a practical impossibility will have immediate political effects.

Fair Deal Democrats are toasting Chief Justice Fred M. Vinson and his associates with happy fervor. They believe that the court has taken the Truman administration off the hook on civil rights for the present. They say they are not now obliged to make a sacrificial effort to pass the compulsory FEPC bill and thus prolong the session when they want to be campaigning.

Sincere advocates of civil rights—a group which does not include all the political spokesmen for it—concede that the court has taken the Negroes much, much farther along the road to equality than the controversial FEPC has promise of doing. The fact is that real doubts about FEPC exist in quarters which cannot be suspected of insincerity.

Administration's Success

IN ANY CASE THE ADMINISTRATION can claim credit—and it will—for the present advances. The government, through the Department of Justice, had joined Negroes in demanding that the segregation practices end. In the case affecting interstate travel, justice overruled an administrative agency, the Interstate Commerce Commission, which had sided with the defending railroad.

Solicitor General Philip Perlman and Atty. Gen. J. Howard McGrath went all the way in their arguments. They were not successful in getting the court to throw out the old doctrine of "separate but equal facilities" in so many words, which is what they were after. They did prevail as a practical matter.

By Doris Fleeson

Political circles also are calling the decisions a personal triumph for Chief Justice Vinson who was able to produce unanimous findings on such vital matters in record time. The cases were argued only last April.

Vinson's Influence

IT WAS NOTED THAT "the chief" wrote the two dealing with segregation in education. The travel opinion was written by Justice Harold H. Burton, the only Republican on the bench. Vinson is a Kentuckian, incidentally. So is Justice Stanley F. Reed who concurred in all the opinions. Justice Tom C. Clark, who concurred with the Vinson opinions but did not participate in the railroad case, is a Texan.

Students of the court have been conscious for some time of Vinson's apparent determination to be a strong chief in the pattern of Charles Evans Hughes rather than letting the justices go their separate ways as Harlan Stone did. The newest appointments—Justices Clark and Minton—have been attributed to the Vinson influence with President Truman.

That influence will hardly be lessened by the court's newest breaks with precedent. The president has been having very poor luck indeed getting Congress to expand the frontiers of the Fair Deal. Nowhere has it been worse than in civil rights. Now he can say, at least, that the court to which he has named four of nine members, including the chief, has followed the star.—©

For Racial Good Will And Peace

This newspaper anxiously recognizes the difficulties and delicacies involved in the problems of racial segregation in the South.

It believes that the fundamental, and the best, hope of dealing with these grave and complex matters lies in the good will, the common sense, the sense of justice and the discretion of our people, white and colored, in their relations and practices. Choice, custom and voluntary practice are the fundamental factors in this field. They are more influential than law.

The News is in accord with that part of a resolution adopted by "States' Rights" Democrats in a meeting at Montgomery which calls on "all Alabamians, white and black, to conduct themselves with forbearance, tolerance and practical common sense" in the present situation.

We do not agree that this situation necessarily will produce a "crisis." We do not regard it as due to the "vicious plotting" of the National Democratic administration, as unwise and unsound as we consider that administration's course to have been in pressing for its civil rights proposals.

We hold the administration is profoundly wrong in striving to impose FEPC, anti-lynching and anti-poll tax measures on the South, against the will of the overwhelming majority of its people.

We do not think such action in any particular would make for progress in racial relations and minority justice.

We regard the motivation behind these proposals as to a large extent political.

We know that extremists on both sides are making racial relations more difficult.

But we also recognize that sincerity and conviction move some of the advocates of such measures. We respect the honesty and intent of members of the President's Commission on Civil Rights, whose report preceded the development of the current controversy. They include distinguished citizens of high integrity.

And we cannot agree that the Supreme Court's recent decisions in three segregation cases merely reflect the political attitude and activities of the present national administration.

* * *

The court was careful to rule on the specific cases presented to it.

It refused to affirm or reject broadly the "separate but equal" doctrine which has applied so long in segregation matters.

It would be unfortunate and perilous, we think, if there were a sudden and sweeping invalidation of long-standing legal procedures in segregation. The court seems to have recognized as much and to be desirous of avoiding unnecessary heightening of tension.

Certainly we do not believe that unanimous decisions by the court in all three cases merely reflect political expediency.

Many sincerely believe that such matters should be left entirely to the states. But is that a sound or realistic conception of states' rights under our constitution and our form of government?

This paper believes earnestly in "states' rights," but it does not regard those rights as entirely removing such matters as these from the jurisdiction of the federal courts or from the concern of the federal government.

* * *

The Montgomery meeting seems to aim primarily at opposition to the present leadership of the Democratic Party as offering the best chance of counteracting the Supreme Court's decisions and preserving by law the present segregation pattern.

Its spokesmen urge that the next state primary be kept open to elector candidates pledged to oppose Mr. Truman.

It is the right, of course, of Alabama Democrats to oppose the renomination of Mr. Truman. Delegates with that purpose may be elected. But it is against custom and tradition and reasonable party practice to participate in party procedures up to the point of nomination and then to refuse to support regularly chosen nominees.

That kind of pressure is not going to get anywhere at all in the long run. It is too obviously out of line with the requirements of effective party loyalty and organization.

Those who feel that they could not possibly support prospective or likely nominees of a party can turn to another party or organize their own party. That is the sensible, tested American way.

* * *

It is difficult for this paper to see how the attitude and action foreshadowed by the Montgomery meeting can fail to make racial relations more difficult. Such a program seems likely to hasten efforts to narrow segregation by law still further. Such efforts, we believe, would be likely to produce new curtailments of legal segregation.

Irate Alabama Congressmen Denounce Supreme Court Ruling In Race Cases

BY JAMES FREE
News Washington Bureau

WASHINGTON, June 8—Alabama members of the House feel that the Supreme Court, spurred by the Truman administration, is thwarting the will of the people—as voiced by the Congress—through its decisions breaking down segregation practices of long standing throughout the country and particularly in the South.

They are especially disturbed by the higher court's decisions earlier this week in the dining car case and in cases involving college graduate schools in Texas and Oklahoma.

Rep. Albert Rains, of Gadsden, a member of the interstate and foreign commerce committee, said the decisions "do by judicial order what the Congress has consistently refused to do through its legislative powers." He expressed the belief that "neither the Supreme Court, the Congress or anybody else can force non-segregation upon people who are opposed to it."

* * *

REP. LAURIE BATTLE, of Birmingham said: "The elected representatives of the people no longer have as much power over such matters as the president through his administrative and appointive powers.

Congress has declined many through his administrative and appointive powers. Congress has declined many times to do the very thing that the president has done in the federal agencies and armed services through executive order. The clear intent of Congress to give the states a chance to settle their own racial relations problems has been ignored."

Rep. Carl Elliott, of Jasper, declared that "newspaper accounts of the decisions indicate that the court has gone beyond its field which is to interpret the laws, and has started legislating. The Congress repeatedly has refused to legislate the results reached in these court decisions. I hope the court will consider these decisions. I fear that they will hinder the orderly, peaceful progress now being made by both races in the South."

REP. EDWARD DeGRAFFENRIED of Tuscaloosa said that he regretted exceedingly that the court handed down these decisions. If the laws later not declared unconstitutional, and if any serious effort is made to enforce them the consequences may be very serious in the South. He added that he always has been more concerned about what the Supreme Court would do than what Congress would do on so-called civil rights questions so long as there is a strong organization of Southern Democrats in the House and Senate."

* * *

REP. GEORGE ANDREWS of Union Springs called the decisions "the worst thing has happened to the South since reconstruction days." He said that the direction the Supreme Court is taking makes it just a question of time before Negroes must be permitted to enter colleges, high schools and even grammar schools now operated in Alabama for whites only.

"They were just Fair Deal decisions of a Fair Deal court prodded by a Fair Deal administration, he said. "There's no need for anyone pressing civil rights bills anymore, the courts have now taken care of all that."

Rep. George Grant of Troy remarked that "it doesn't look like Congress, which is supposed to represent the people, has any voice on what shall be the law of the land. We have been making fine progress in Alabama and the South in relations between the races, but I wonder if we can keep it up if the element of legal compulsion becomes much stronger."

Rep. Robert E. Jones, Jr., of Scottsboro described the court decisions as "unfortunate and regrettable."

Won't Allow Mixed Schools, They Declare

Resolutions Attack High Court Decisions

MONTGOMERY, June 21—(AP)—Alabama legislators today voiced defiance of U. S. Supreme Court's rulings and flatly declared "we will not submit to the inter-mingling" of races in public schools.

Without a dissenting vote, both houses passed two resolutions attacking the recent anti-segregation decisions.

Meanwhile, a proposed substitute for the old Boswell amendment to set up voter qualifications in Alabama gained a strategic position on the Senate calendar over an administration sponsored reapportionment bill.

The voter qualification bill was reported out of the Senate constitution committee first today and will get priority when the Legislature meets again tomorrow.

Reapportionment supporters are expected to try and tie the two together, however, with an amendment to provide that the voter qualification proposal would go into effect when the Senate has been enlarged to 67 members.

Administration leaders claim they can do that under the state constitution. But Black Belt senators are expected to put up stiff opposition.

Over in the House, the situation is just the opposite with the 67-senator bill to be considered before the Boswell substitute.

The resolutions attacking the U. S. Supreme Court's segregation decisions were introduced by Sen. George Quarles, of Dallas County, where the population is predominantly Negro.

"The way of life of the Southern people, civilization itself as we know it in the South, peace and good will between white and Negro races depend on segregation," one resolution stated.

It condemned the "continuous efforts" by the courts, President Truman and Congress "to force intermingling of the races" and demanded "recognition of our right to our laws and our customs, and to local self-government."

"We will not submit to the intermingling of white and Negro children in our public schools," the other resolution declared.

It demanded that Alabama congressmen "protect us against the continual encroachment of a powerful federal government in breaking down" states rights.

Quarles introduced another resolution, demanding that federal highway and welfare grants to the state be discontinued, but it was sent to committee and no action was taken on it.

The U. S. Supreme Court recently ordered the University of Texas to admit a Negro to its white law school, outlawed segregation at the University of Oklahoma and on railroad dining cars.

Meanwhile, a companion to a Senate bill to reapportion the Senate by providing for 36 seats, four from each congressional district, was introduced in the House by Rep. James G. Adams, of Jefferson. The Senate is now composed of 35 members, representing senatorial districts of one to three counties each.

While the Boswell substtiute and the 67-senator bill were jockeying for position on the Senate calendar, Gov. James E. Folsom's political foes continued to peck away at the administration.

Sen. Bruce Henderson of Wilcox introduced a bill to set up strict regulations of paroles and quarles offered one to abolish the state bridge commission entirely.

There has been repeated criticism of the operation of the State Pardon-Parole Board, dominated by Folsom appointees. The bill to abolish the bridge commission followed on the heels of a move by the group to construct four toll bridges in the state.

Another bill introduced by Quarles would prohibit the administration from letting highway contracts unless work will be 75 per cent completed by the time Folsom leaves office and payment of the entire project has been arranged.

Ala. Judge Advises South to Be Sane

MONTGOMERY, Ala. (ANP)—Use a sane approach to the solution of segrgation problems arising from the recent U. S. Supreme court decisions, Judge R. B. Carr of the Alabama Court of Appeals advised the South last week in an address before the Exchange club.

"We must approach as Christian men and women" this problem, he said.

"It might make matters worse," he continued, "to get hotheaded and try to buck the law. The South doesn't want any trouble. We never have and don't now. That is why we must approach this in a sane manner."

Supreme Court Reaffirms Right Of Negroes To Be Admitted To Universities

WASHINGTON — (AP) — The Supreme Court Monday reaffirmed the right of Negroes to be admitted to state universities which do not otherwise provide them with equal educational facilities.

The tribunal did so by:

1—Refusing to reconsider its ruling of last June requiring the University of Texas law school to admit Herman Marion Sweatt, a Dallas Negro.

2—Refusing to review a state court ruling that the University of Maryland must admit Esther McCready, Baltimore Negro, to its nursing school.

In its first business session of the 1950-51 term, the court refused to review or reconsider a total of 21 cases and agreed to accept seven cases.

In future sessions, the tribunal still must act on some 275 other petitions for review before it buckles down to actual decisions on cases it does accept.

In two other cases involving a Negro issue, the court:

1—Refused to review the complaint of Samuel L. Davis, Negro school teacher, that white and Negro teachers are paid unequal salaries in Atlanta, Ga. This leaves standing a lower court ruling that Davis should have appealed to the state and city boards of education before bringing suit.

2—Turned aside the claims of five Oklahoma City Negroes who are suing to retain property they purchased in 1944 in neighborhoods where home owners have agreed to sell only to white persons. This leaves standing a state court ruling upholding the restrictive agreements made by the white residents. The Supreme Court previously ruled that restrictive racial covenants are not enforceable. In this case, however, the 10th U. S. Circuit Court of Appeals held that it had no power to change the state court's verdict because the constitutional issue was not brought up at the state trial.

Tribunal Opens Inference In Negro 'Barred' Cases

WASHINGTON, Oct. 16 —(AP)— The Supreme Court opened up a wide inference Monday that cities and states may have to open up such publicly-owned enterprises as golf courses to Negroes without limitations.

The high tribunal did not say Negroes should be given such rights. But it did set aside a ruling of the Florida state courts barring a Negro from unrestricted use of the Miami Springs Country Club golf course in Miami.

And it directed the Florida Supreme Court to reconsider its decision in the light of two high tribunal rulings last June, one of which ordered a Negro admitted to the all-white University of Texas.

The outcome of the Florida case conceivably could affect admission of Negroes to other publicly-owned facilities such as swimming pools, outdoor theatres, ball parks, playgrounds and the like.

In other decisions Monday the Supreme Court:

1. Stood by its decision last June that the federal government has paramount rights to rich oil lands under marginal seas along the Texas and Louisiana coasts. It refused pleas of Texas and Louisiana for rehearings.

2. Declined 8 to 1 to rule whether the protection given free speech and press by the constitution's first amendment should now be declared to apply fully to motion pictures. Justice Douglas favored a review. The high tribunal decided in 1915 that the first amendment protection does not extend to the movies.

3. Agreed to consider an attack on the constitutionality of a California law which restricts the recovery of damages in libel suits against newspapers and slander suits against broadcasters.

4. Granted the Justice Department a review of its unsuccessful efforts to prosecute three Miami detectives and a police officer on charges they violated the civil rights of employes of a lumber company. The four officers were accused of beating the employes in 1947 in an attempt to make them "confess" alleged lumber thefts.

Play On Mondays

The evidence in the Florida golf case showed the city-owned Miami Springs Country Club course gives Negroes the right to play on Mondays. White golfers have exclusive use on other days. Joseph Rice, a Negro unsuccessfully sought to have the Florida courts order the course opened to him at all times.

The Florida Supreme Court decision was made last March 24, a few weeks prior to the U. S. high tribunal's rulings in June concerning the Universities of Texas and Oklahoma. In the Oklahoma decision, the court directed the university there to give equal treatment to a Negro who had been admitted as a graduate student. This applied to such things as allowing him to sit with other students in classrooms, library and cafeteria.

The case raising the question whether the constitution's first amendment gives protection of free speech and press to the movies came before the court in an attack on validity of an Atlanta, Ga., ordinance. Under this the city's board of censors refused to approve the showing of a film called "Lost Boundaries," dealing with a Negro family's life in a New Hampshire town where neighbors believe them white. The censors said it showing might cause racial clashes.

The Rd-Dr. Corporation, producers of the film, asked review of a 1915 high court decision on grounds that it now has lost its validity, but the tribunal declined the plea. The 1915 decision was that the movies do not come fully under the free speech and free press rule.

12d 1950

SUPREME COURT

SEGREGATED EDUCATION

SEN. JAMES O. EASTLAND
MISSISSIPPI

Eastland Proposes U.S. Study Equal Schools Cost

WASHINGTON—(NNPA)—Sen. James O. Eastland, of Miss., last Thursday introduced a resolution which would require the United States Office of Education to investigate and compute the cost of equalizing educational facilities for colored children in southern states.

Purpose of the resolution, Eastland said, is to ascertain the cost of such equalization so that "some equitable basis can be arrived at for contributions by the Federal Government and the states involved" to equalize facilities within the framework of the dual school system in the South. He sought to justify existing inequalities between white and colored schools by what he called a "time lag," pointing to the absence of colored teachers and colored schools at the end of the Civil War.

Eastland called recent decisions of the Supreme Court "an attempt to tear down the dual school system of the South."

Expenditures Shown

He obtained figures from the Office of Education comparing the amounts spent on schools in the school year 1941-42 with that spent in 1947-48 in North Carolina, Georgia and Mississippi. These figures showed:

In the school year 1941-42, Georgia spent on colored schools $3,893,000 as compared with $12,426,000 in 1947-48. In 1941-42, North Carolina spent $7,799,000 as compared with $23,000,000 in 1947-48. In 1940, in Mississippi, $2,200,000 was spent as compared with $8,832,000 in 1950. No figures were given showing the comparative amounts spent on white schools.

Eastland said Southerners "favor better schools, better hospitals and better health facilities" for colored people. "In fact," he added, "they realize that the South cannot prosper unless colored people prosper."

Eastland Attacks Supreme Court's Rulings On Bias

WASHINGTON—(ANP)—The U. S. Supreme court was accused of attempting to "tear down the dual school system of the south" through its recent segregation decisions by Sen. James O. Eastland, (D. Miss.) here last Wednesday.

Eastland made the charge while introducing a resolution to require the FSA to investigate the cost of equalizing Negro and white educational opportunities in the South.

He claimed that Negro and white races in the South "do not desire and will not have interracial schools."

"We have no apologies to make for racial segregation," he said. "Regardless of what the agitators say, segregation is not about to crumble. We believe in it."

12d 1950

SUPREME COURT

SEGREGATED EDUCATION
DINING CARS-INTERSTATE COMMERCE

NEGRO PRESS

AGREE DECISIVE BLOWS WERE STRUCK:

Nation's Top Dailies See Court Rulings as Clear-Cut

Editorial comment last week on the three opinions of the United States Supreme Court striking down the doctrine that racial segregation is Constitutional if equal facilities are furnished was rather restrained in tone.

The New York Herald Tribune saw the net effect of these decisions as going a long way to sustain the contention of the Justice Department in the dining car case that "the notion that separate but equal facilities satisfy constitutional and statutory prohibitions against discrimination is obsolete."

With a different set of facts, there is a slight possibility that the court might find some justification for a particular instance of the "separate but equal dogma," the Herald Tribune said, but it is difficult to create a form of segregation which would not be broken down on some such grounds as those cited by the court in one or another of the three cases.

Times Not as Progressive

The New York Times urged liberal Southerners to work for a broadening of human rights without friction. The Times said:

"Decisions such as this have a compelling power on the individuals, corporations or public agencies involved in them. They will not of themselves change folkways overnight.

"There will need to be continued co-operation by the enlightened leaders of both races."

Blow to 'Sham Equality'

The Philadelphia Evening Bulletin declared that "The Court is not going to allow States to get away with sham equality," adding:

"Of course, no court decision will end segregation in the South, either overnight or in the next few years. Enlightened opinion among Southerners cannot work so fast. But the decisions do put the weight of the Supreme Court behind those in the South who seek the elimination of race prejudice."

Strong Words by Post

Under the caption, "Blow to Segregation," The Washington Post interpreted the three decisions to mean the end of racial segregation. It said:

"While the court specifically declined in the Sweatt case to re-examine the "separate but equal" formula of its past decisions, it seems to leave Southern railroads with the alternative of abolishing segregation or putting on an extra dining car for Negro passengers.

"Similarly the States must abolish segregation or provide equality of opportunity in separate schools. And it is now clear that where no such equality exists, segregation bars must be let down."

Harlan's Remark Recalled

Under the caption, "Decisions That Count," The St. Louis Post-Dispatch said:

"Many citizens had hoped that the justices would go so far as to rule out segregation in education altogether.

"Chief Justice Vinson, however, took one more somewhat shorter step on the path of gradualism. He restated the court's acceptance of if not attachment to the policy of 'separate but equal' facilities—with new emphasis on 'equal.'

Go a Long Way

Commenting on the decisions in the two school cases, under the heading, "Negroes in Southern Universities," the Chicago Tribune said:

"These findings do not end racial segregation in higher education in the State-supported schools of the South, but they go a long way in that direction. Every man and woman in America who believes in equality before the law will welcome these decisions.

"It is simply a fact known on the campus at Tuscaloosa, as well as Tuskegee, that there is no first class university in the world, outside our South, which excludes men on account of race. The faculties and students are ready to accept the new dispensation."

Texas Recognizes Truth

Under the caption, "How to Say One Thing and to Mean Another," The Dallas (Texas) News construed the ruling in the law school case to mean that there can be no equal facilities in separate schools.

The News said:

"The Chief Justice in effect says that if you should duplicate the Austin (University of Texas) campus and buildings at Houston and provide equivalent funds for support, there would still be no proffer of equal facilities.

"A law school created in 1950 could not match one with years of prestige behind it. In time the younger school might equal or pass the old, but not today.

"That high educational cost might eventually break down the racial barrier in Southern education has been conjectural for some time. It rises to preclude the one practical solution that the Supreme Court could be challenged to override.

"This would lie in State provision of three separate types of universities—one all white, one all black and one open to voluntary commingling of the races in campus life."

CASES
Elmer W. Henderson
G.W.McLaurin
Heman Marion Sweatt

BENCH UNANIMOUS

But It Stops Short of Saying if Separation of Races Is Illegal

PRECENDENTS ARE SET UP

Vinson Writes Opinions in Cases Involving Universities of Texas and Oklahoma

By LEWIS WOOD
Special to THE NEW YORK TIMES.

WASHINGTON, June 5—In three unanimous opinions dealing with racial discrimination, the Supreme Court, on the last day of its term, struck down today barriers separating Negroes in railroad dining cars and in two educational institutions.

In the dining car case, the tribunal found that segregation violated the Interstate Commerce Act under which the railroads operate. But in the two other controversies, concerning state universities, the court held that the Negroes had been denied the guarantee of equal protection under the Fourteenth Amendment to the Federal Constitution.

The three decisions were:

1. That the Interstate Commerce Act was violated when Elmer W. Henderson, a Negro, was refused a seat in a Southern Railway dining car, except at a table reserved for his race and curtained from other passengers. Justice Harold H. Burton wrote the decision; Justice Tom C. Clark did not participate.
2. That Texas must admit Heman Marion Sweatt, a Negro, to the all-white University of Texas Law School, instead of forcing him to attend a new Negro law school, which the court found far lacked the same educational opportunities. All nine justices joined the ruling, which was written by Chief Justice Fred M. Vinson.
3. That Oklahoma could not make G. W. McLaurin, a Negro graduate student, sit apart from whites at the University of Oklahoma and be separated in other instances. Again all the justices shared this decision, also written by Mr. Vinson.

Rulings Held Wide in Scope

In the Sweatt and McLaurin cases, the Supreme Court did not lay down an extensive treatise on the question of ending segregation generally in public educational institutions.

It dealt with the two specific cases, but the effect was, nevertheless, regarded as wide in scope. Nor did the court, as requested by the Federal Government and the Negro appellants in the various cases, upset its 54-year-old precedent that "separate but equal" facilities for Negroes did not violate the equal protection clause.

On this point, Chief Justice Vinson said in the Sweatt case that the court could not agree with Texas that the old doctrine should be affirmed. On the other hand, he added the court did not "need" to rule on Mr. Sweatt's argument that the old ruling should be re-examined and abandoned.

Government Backed Negroes

There was surprise in some quarters that the three cases, argued early in April, resulted in unanimous findings. Questions from the bench at that time caused some speculation that there might be a few dissenters.

There was special interest, too, over the comparative brevity of the opinions, in view of their importance. Justice Burton used only nine pages for the dining car opinion while the Chief Justice found no more than six and five necessary, respectively, in the Sweatt and McLaurin cases.

The three disputes have attracted considerable attention and have been hard pressed in the lower courts and in the Supreme Court. Through the Department of Justice, the Federal Government joined the Negroes in demanding an end of segregated practices.

The Southern Railway declined to comment on the decision tonight, saying that it would await a study by its officers. The Association of American Railroads had no statement, holding that the matter was one for the individual carriers.

The dining car case began in 1942, when Mr. Henderson, then a field representative of the President's Committee on Fair Employment Practices, was on a Southern Railway train going to Birmingham. In Virginia, he entered the diner, where two end tables were "conditionally" reserved for Negroes, and curtained from the rest. However, some of the seats at these tables were occupied by whites, and the steward "declined" to seat Mr. Henderson in the car.

Mr. Henderson, now a director of the American Council for Human Rights, pressed his fight against segregation, but the Interstate Commerce Commission considered the case a "casual incident" brought about by the "bad judgment" of an employ. Later the Southern Railway reserved ten tables for whites, and one of four seats for Negroes, but this also was curtained off.

When Mr. Henderson approached the Supreme Court, the I. C. C. defended its action in approving the plan, but the Justice Department opposed it.

"The denial of dining service to any passenger by the (rules) subjects him to a prohibited disadvantage," Justice Burton said in his opinion.

"Under the rules, only four Negro passengers may be served at one time and then only at a table reserved for Negroes. Other Negroes who present themselves are compelled to await a vacancy at that table, although there may be many vacancies elsewhere in the diner.

"The railroad thus refuses to extend to those passengers the use of its existing and unoccupied facilities. The rules impose a like deprivation upon white passengers whenever more than forty of them seek to be served at the same time and the table reserved for Negroes is vacant."

Justice Burton said that the "curtains, partitions and signs emphasize the artificiality of a difference in treatment which serves only to call attention to a racial classification of passengers holding identical tickets and using the same public dining facility."

He held that nothing removed these racial allocations from application of the section of the Interstate Commerce Act which made it illegal for a railroad to subject anyone to "undue or unreasonable prejudice or disadvantage."

The justice said that since the railroad rules (for segregation) were against the Interstate Commerce Act, the court "would not reach the constitutional" issues suggested.

Sweatt Case Described

Chief Justice Vinson in the Sweatt opinion noted the reluctance of the Supreme Court to deal with constitutional issues except "in the particular case before it." He described how Mr. Sweatt, seeking admission to the University of Texas Law School at Austin, was refused "solely because he is a Negro." At that time there was no Texas law school admitting men of that race.

However, Texas later set up a Negro law school at Houston, but Mr. Sweatt refused to attend. Eventually he brought his case to the Federal Supreme Court.

Mr. Vinson described the comparative advantages of the two institutions. He said that the Austin school had nineteen professors and a library of 65,000 volumes.

The new Houston school, as planned, would have had no independent faculty or library, he said. The teaching was to be done by four men from the other school and few of the 10,000 volumes for the library had arrived.

Since the trial of this case, he added, a law school has been opened at the Texas State University for Negroes and is "apparently on the road to full accreditation," with five professors and a library of 16,500 books.

"Whether the University of Texas Law School is compared with the original or the new law school for Negroes," the Chief Justice wrote, "we cannot find substantial equality in the educational opportunities offered white and Negro law students by the state."

Says Negro School "Excludes"

He also said that the University of Texas Law School "possesses to a far greater degrees those qualities which are incapable of objective measurement but which make for greatness in a law school."

These, for instance, are "reputation of the faculty, experience of the administration, position and influence of the alumni, standing in the community, tradition and prestige."

Mr. Vinson said that the Negro law school "excludes" 85 per cent of the population of Texas, and most of the lawyers, witnesses, jurors, judges and others, with whom Mr. Sweatt would deal when he became a member of the Texas bar.

"With such a substantial and significant segment of society excluded," the Chief Justice said, "we cannot conclude that the education offered (Mr. Sweatt) is substantially equal to that which he would receive if admitted to the University of Texas Law School."

In his conclusion, Mr. Vinson held:

"(Mr. Sweatt) may clain his full Constitutional right; legal education equivalent to that offered by the state to students of other races. Such education is not available to him in a separate law school as offered by the state.

"We hold that the equal protection clause of the Fourteenth Amendment requires that (Mr. Sweatt) be admitted to the University of Texas Law School."

In the third case, Mr. McLaurin fought segregation rules forcing him and twenty-three other Negroes, for instance, to sit in different rows, while attending classes with whites at the University of Oklahoma Graduate School. Holding a master's degree, he sought one as a Doctor of Education. Originally he was denied admission on racial grounds, but the Oklahoma Legislature amended the state laws to allow admission on a segregated basis.

He was required, the Chief Justice said, first to sit in an adjoining room from the classroom, at a special desk on the mezzanine floor of the library, and to eat at a different time from other students in the cafeteria.

Situation Later Changed

Later the situation was changed, and he was seated in a place railed off, and with a sign "reserved for colored." After other changes, he is now assigned to a classroom set apart for colored students, assigned to a table on the main library floor, and allowed to use the cafeteria at the same time as other students, though at a designated table.

Such restrictions, Mr. Vinson said, "set McLaurin apart" from other students, and thus he is "handicapped" in pursuing his effective graduate instruction.

"Such restrictions," the Chief Justice added, "impair and inhibit his ability to study, to engage in discussions and exchange views with other students, and in general, to learn his profession."

The restrictions, Mr. Vinson wrote, would handicap Mr. McLaurin, who is "attempting to ob-

Rulings Are Hailed Here

Robert L. Carter, assistant spe-
cial counsel for the National Asso-
ciation for the Advancement of
Colored People, issued the follow-
ing statement in his office yester-
day:

"We hold that under these cir-
cumstances," the opinion said, "the
Fourteenth Amendment precludes
differences in treatment by the
State based upon race. (He) has been
properly admitted to a state sup-
ported Graduate School, must re-
ceive the same treatment at the
hands of the state as students of
other races."

"We hold that the equal protec-
tion clause of the Fourteenth
Amendment requires that (Mr.
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Such restrictions, Mr. Vinson
said, "set McLaurin apart" from
other students, and thus he is
"handicapped" in pursuing his ef-
fective graduate instruction.

"Such restrictions," the Chief
Justice added, "impair and inhibit
his ability to study, to engage in
discussions and exchange views
with other students, and in gen-
eral, to learn his profession."

The restrictions, Mr. Vinson
wrote, would handicap Mr. Mc-
Laurin, who is "attempting to ob-

ELMER W. HENDERSON
HEMAN MARION SWEATT
G.W. McLAURIN

Supreme Court Bars Segregation In 3 Precedent-Setting Decisions; Affects Universities, Dining Cars

Winner in Supreme Court Segregation Case

Herald Tribune—Acme telephoto

G. W. McLaurin, retired Negro professor, in an anteroom segregated from white students at the University of Oklahoma in 1948, when a Federal Court decision forced the university to admit him

Justices Unanimous In Anti-Bias Stand

Herald Tribune June. 6-6-50

2 Southern Schools Must Admit Negroes; Old Rule on 'Equal' Rights Stands

June. 6-6-50

By Jack Steele

WASHINGTON, June 5.—The Supreme Court, in three cases decided today without a dissenting vote, held that segregation of Negro students at two Southern universities is unconstitutional and banned segregation of Negroes on railroad dining cars.

The court, admittedly drawing its decisions "as narrowly as possible," declined, however, to re-examine and overrule the "separate but equal" doctrine it laid down in 1896. This doctrine provides the legal basis for most segregation practices.

Thus today's decisions, made as the court wound up its work until October, do not automatically outlaw segregation in public education generally or "Jim Crow" practices in public transportation. They may have far-reaching effects toward this end, however, in view of the unanimity of the court in striking down three specific instances of segregation and of its strongly worded ruling that segregation — under the circumstances of these cases — in itself deprived the Negroes of "equality" of treatment.

Flood of Cases Expected

A flood of cases challenging segregation in other forms and instances is expected to flow to the court as a result of its decisions.

Chief Justice Fred M. Vinson delivered the 9-to-0 decisions in the two education cases in which the court:

1. Ordered the University of Texas to admit a Negro student to its all-white law school, holding that a state law school recently set up for Negroes could not possibly provide him with an "equal" legal education. This decision was so broad that it appeared to establish a precedent for opening the doors of all state-operated professional schools to Negroes.

2. Directed the University of Oklahoma to abolish segregation rules imposed on a Negro student admitted to its graduate school of education.

In both cases the court held that the varying forms and degrees of segregation practices by the two universities violated the "equal protection" guarantee of the Fourteenth Amendment.

Associate Justice Tom C. Clark, a graduate of the University of Texas Law School, joined in the opinion forcing his alma mater to admit a Negro.

In its dining-car decision, the court ruled that segregation of Negroes in dining cars of the Southern Railway violated the guarantees against "unreasonable prejudice" provided in the interstate commerce act, which was enacted in 1888. The railroad's segregation rules had been approved by the Interstate Commerce Commission.

Associate Justice Harold H. Burton delivered the 8-to-0 decision in this case. Justice Clark abstained since he was Attorney General when the Justice Department stepped into this case to ask the court to outlaw segregation on dining cars.

The court held it was not confronted with a constitutional issue in this case since dining car segregation violated the Interstate Commerce Act.

It shunned re-examination of the "separate but equal" doctrine in the two education cases, in effect, by ruling that the segregation practiced in the two instances prevented "equal" treatment for Negroes.

Herald Tribune

Only in one decision—that involving the University of Texas law school—did the court even cite the Plessy v. Ferguson decision of 1896 which established the "separate but equal" doctrine.

Justice Vinson said the court neither agreed that this doctrine required that it uphold the barring of Negroes from the law school nor believed that the doctrine needed to be re-examined "in the light of contemporary knowledge respecting the purposes of the fourteenth Amendment and the effects of racial segregation."

Strikes Blow at Doctrine

The court, nevertheless, struck a severe blow to the "separate but equal" doctrine as applied to higher education, at least, in this decision.

The case involved Heman M Sweatt, a Negro, who was denied admission to the all-white University of Texas Law School in 1946. He brought suit and was at first upheld by the lower courts since the state did not then operate a law school for Negroes.

The state subsequently set up such a segragated law school at Texas State University for Negroes but Mr. Sweatt refused to enroll. He carried the case to the Supreme Court after state and district courts upheld this segregated law school.

The Supreme Court, in its decision today, not only held that the newly-formed Negro law school did not offer substantial equality of educational opportunities, but went on to say:

"Moreover, although the law is a highly learned profession, we are well aware that it is an intensely practical one. The law school, the proving ground for legal learning

Texas Law School "university's graduate school of edu-
age the court seem-cation to seek a doctor's degree.
a Negro could notHe was forced at first to sit in
al" legal educationan anteroom outside the classroom
law school regard-but later given a seat in a row
the physical facili-reserved for Negroes. He was also
re "equal" to thoseforced to use a segregated table in
school. the library and cafeteria.
in the University The 8-to-0 dining car decision
case was just aswas on an appeal by Elmer W.
on the same issue.Henderson, a Washington Negro
d G. W. McLaurin.While serving as a field repre-

sentative of the President's Committee on Fair Employment Practices in 1942, he mad a railroad trip to Birmingham. Mr Henderson protested that he was unable to get a meal on a Southern Railway Company diner.

Southern railroads late adopted a policy of setting aside a table or two for Negroes in dining cars. These tables are separated from others in the cars by partitions or curtains.

The new dining car policy was approved by the Interstate Commerce Commission. When. Mr. Henderson took his fight to the Supreme Court, the commission defended its action, but the Justice Department opposed it.

The school-case decisions could have far-reaching effect on the educational processes in seventeen states and the District of Columbia where local laws require separate schools for white and Negro students. The states are Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, South Carolina, Oklahoma, Tennessee, Texas, Virginia and West Virginia.

Association Praises Rulings

Roy Wilkins, administrator of the National Association for the Advancement of Colored People, said in New York last night:

"The National Association for the Advancement of Colored People is gratified by the opinions of the Supreme Court in the Henderson, Sweatt and McLaurin cases, particularly since our attorneys argued the latter two cases and filed a brief amicus in the Henderson case.

"These Supreme Court decisions today emphasize once more that the courts of the land are far in advance of the Congress in recognizing the legal and moral obligation of our government to grant civil rights to all citizens regardless of race, creed or color.

"Without having carefuly analyzed the complete text of the opinions, it appears to us that segregated educational facilities on the graduate and professional levels have been declared not to be equality within the meaning of the Fourteenth Amendment. This is a great step forward.

"In the Henderson case the opinion would seem to mean that interstate carriers may not impose segregation on travelers because of race or color. This is an opinion that the entire American Negro population has been awaiting because of the onerous and humiliating restrictions that have been placed upon Negro travelers in certain sections of the country."

Editorial Opinion On Supreme Court Rulings Sober, Cautious

Wide Divergence Found Between Editors Viewpoints

By the NNPA NEWS SERVICE

Editorial comment last week on the three opinions of the United States Supreme Court striking at the doctrine that racial segregation is constitutional if equal facilities are furnished was rather restrained in tone.

The court specifically refused to reexamine and overturn the "separate but equal" doctrine first decreed in Plessy vs. Ferguson in 1896. But it ruled that partitioning off one table in a railroad dining car for the exclusive use of colored travelers was an unreasonable discrimination, basing its opinion on a section of the Interstate Commerce Act.

In ordering the University of Texas to admit Heman Sweatt to its law school, the court strongly implied that Jim Crow law schools can never be equal. And in decreeing an end to racial segregation within the University of Oklahoma, the court held that, once admitted to astate institution, a colored student can be treated no differently than a white student on account of his color.

The New York Herald Tribune saw the net effect of these decisions as going a long way to sustain "the contention of the Justice Department in the dining car case that "the notion that separate but equal facilities satisfy constitutional and statutory prohibitions against discrimination is obsolete."

With a different set of facts there is a slight possibility that the court might find some justification for a particular instance of the "separate but equal dogma," The Herald Tribune said, but it is difficult to create a form of segregation which would not be broken down on some such grounds as those cited by the court in end or barrier to progress."

"The logical basis for segregation has always been so slight that there can be few who will be surprised to see it torn apart in practice."

The Herald Tribune noted, adding: "The emotional background for it, however, will not be dissipated by the Supreme Court, nor can it be expected that the problem has been settled. This, however, has always been a limitation upon every effort to combat discrimination. It must be taken into account, but it cannot be permitted to form a barrier of progress."

The New York Times does not believe that the three decisions will end segregation because of community attitudes. It believes that a period of education is necessary and urges liberal Southerners to work for a broadening of human rights without friction. The Times said:

"Decisions such as this have a compelling power on the individuals, corporations or public agencies involved in them. They will not of themselves change folkways overnight. No matter what rules the Southern Railway Company or any other Southern railroad may adopt, some kind of segregation will doubtless persist on dining cars running into the Deep South. It will persist, too, in Southern universities.

"An individual belonging to a recognizable minority lacking political power may easily be denied privileges to which he is legally entitled. There are, sad to say, more or less subtle ways of achieving this.

"The Supreme Court has stated what the law and the Constitution are as of this present date. It is good to have this statement made. This republic cannot recognize degrees of citizenship. But as long as considerable numbers of people, including the majority or dominant elements in whole communities, think differently, we cannot expect the millenium.

"The situation calls for a period of education — how long a period no one can say. Meanwhile, it is for the more liberal elements in the Southern states to see to it as well as they can that the broadening out of human rights is accomplished with as little friction as possible. There will need to be continued cooperation by the enlightened leaders of both races."

Pointing out that the fact that the court did not pass on the validity of the "separate but equal" doctrine means only that it did not take a position on that issue, The Baltimore Sun warned that the attack on that doctrine will continue, "and in all probability, before many years have passed, a case will reach the Supreme Court in which the issue of this doctrine will be presented in inescapable form." The Sun continued:

"But in the meantime, these three decisions provide plenty to work on. The Seventeen states which adhere to a policy of segregation are thrown on the defensive. They are given due warning that their application of segregation policies in whatever field will be subject to continuous and searching scrutiny.

"In so far as these states remain convinced that the principle of segregation, all things considered, is a wise and necessary element in the fabric of their social life, they will be compelled to make certain at every point that it does not place genuine disabilities on segregated race. Wherever there is room for doubt on that point, the practice of segregation will be challenged."

The Richmond Times-Dispatch was pleased that the court did not declare all segregation unconstitutional. It said:

"New meanings may be found when the full texts of the opinions are studied, but surely the court has given the South a great deal to think about. And there are grounds for thanks that it did not hand down the far-reaching conclusions that were asked of it, conclusions which might have had explosive effects in certain areas, and greatly damaged sound progress in interracial relations."

The Philadelphia Evening Bulletin declared that "The Court is not going to allow States to get away with sham equality," adding:

"The fact that none of the Justices dissented ought to open the eyes of Southern legislators. Past practices in denying civil rights and equal treatment by humbugging statutes will not work any longer. The Court is in no mood to be foiled.

"Of course no court decision will end segregation in the south, either overnight or in the next few years. Enlightened opinion among Southerners cannot work so fast. But the decisions do put the weight of the Supreme Court behind those in the South who seek the elimination of race prejudice."

Under the caption, "Blows to Segregation," The Washington Post interpreted the three decisions to mean the end of racial segregation. It said:

"As a practical matter, this is probably the death knell of segregation in dining cars. While the court specifically declined in the Sweatt case to reexamine the "separate but equal" formula of its past decisions, it seems to leave Southern railroads with the alternative of abolishing segregation or putting on an extra dining car for Negro passengers. Similarly the States must abolish segregation or provide equality of opportunity in separate schools. And it is now clear that where no such equality exists, segregation bars must be let down."

Under the caption, "Decisions That Count," The St. Louis Post-Dispatch said:

"Many citizens had hoped that justices would go so far as to rule out segregation in education altogether. This would have vindicated the great dissenter, Justice John M. Harlan of Kentucky, who a half century ago, in his protest in the Plessy case, made the historic remark that 'the Constitution is color blind.'

"Chief Justice Vinson, however, took one more somewhat shorter step on the path of gradualism. He restated the court's acceptance of if not attachment to the policy of 'separate but equal' facilities—with new emphasis on 'equal.'

"Thus, this decision marks a definite advance over the decision in Missouri's Gaines case of 1938. For the Gaines decision left it open for Missouri to provide separate facilities for a Negro law student, and the Lincoln University Law school in St. Louis was set up as a result. The decision in the new Texas case agrees that the separate law school in Texas does not provide equal facilities and so discriminates against citizens.

"These decisions should make a lot of faces red in Missouri. They ratify the fact that states south of Missouri, with many more Negroes proportionately than Missouri, have done more to open the way for equal education rights than has this state.

"The University of Missouri authorities and its curators have recently moved, it is true, to open the doors, but they waited far too long. As for the Committee on Education of the Missouri Senate, of which Emery W. Allison is a member, it has been not only rebuked but shamed by these decisions. The 100-to-8 vote in the House (of the Missouri Legislature) to open up the university has in effect been approved."

Commenting on the decisions in the two school cases, under the heading, "Negroes in Southern Universities," The Chicago Tribune said:

"These findings do not end racial segregation in higher education in the state supported schools of the South, but they go a long way in that direction. Every man and woman in America who believes in equality before the law will welcome these decisions.

"Undoubtedly there will be politicians in the south who will stomp and roar. Gov. Talmadge of Georgia is already shouting defiance of the court and there will be other blatherskites like him to take the same line in the expectation that votes are to be gained through this sort of thing. Although this agitation may enger a good deal of grumbling and even some unpleasant incidents, there is reason to expect that the decisions will be accepted in good spirit.

"We say this because we know that time has marched on since the Civil War reconstruction. There is a different attitude toward the Negro among whites in the south and it is most marked precisely among the classes which send their children to the universities.

"A couple of generations ago there might have been strong protests among students against the admission of Negroes to their classes. Very little of that spirit will be found today on southern campuses. One reason, of course, is the remarkable record that has been made by Negro athletes in and out of the colleges. A much more important reason is the growing recognition that all races have contributions to make the mind and spirit of man.

"It is simply a fact known on the campus at Tuscaloosa as well as Tuskegee that there is no first class university in the world, outside our south, which excludes men on account of race. The faculties and students are ready to accept the new dispensation."

The Atlanta Constitution saw "the established doctrine" of separate but equal educational facilities as still standing. It remarked that "Is is important that the people realize the decisions are not extreme but conservative, affirming only what the law has been all along."

The decision in the dining car case, The Constitution commented, "will lend encouragement to the Klan and will provoke some ill-feeling. Actually, it will bring about no friction save from those looking for it. The court could not rule otherwise. People of good will of both races will work it out intelligently."

The Constitution added that "The Texas decision was not unexpected. It ought to serve as a warning to Georgia and the South that educational facilities must be really equal."

Under the caption, "How to Say One Thing and to Mean Another," The Dallas (Texas) News construed the ruling in the law school case to mean that there can be no equal facilities in separate schools, referring to the statements made by Chief Justice Vinson on the differences between the law school of the University of Texas and the newly established Jim Crow law school at the University of Houston.

The News said:

"The Chief Justice in effect say that if you should duplicate the Austin (University of Texas) cam-

pus and buildings at Houston and provide equivalent funds for support, there would still be no proffer of equal facilities. A law school created in 1950 could not match one with years of prestige behind it. In time the younger school might equal or pass the old, but not today.

"Implications are many in the upset of a social faith in which the predominant white South has been reared. In all probability the admission of a single Heman Sweatt to the State University can be taken in stride as will subsequent admissions of individuals. But let Black Harlem descend in a campus flood and a problem will be created with which New York and Chicago in other social aspects are already confounded.

"That high educational cost might eventually break down the racial barrier in southern education has been con jectural for some time. It rises to preclude the one practical solution that the Supreme Court could be challenged to override. This would lie in state provision of three separate types of universities—one all white, one all black and one open to voluntary commingling of the races in campus life."

The Houston (Texas) Post said it was expected that "the New Deal court would rule against segregation in dining cars, and that Heman Sweatt must be admitted to the law school of the University of Texas."

Dean D. C. McIntosh, head of the Graduate School, said he had indications of an increased colored enrollment through inquiries but expected not outstanding increase.

The big question facing university officials is the effect of the ruling on student housing. The university has received twenty applications from colored students for housing on the campus.

The court ruled that a colored student, having been admitted to a state institution, must be treated like all other students in a similar classification. Dr. Cross declined to speculate on what changes might have to be made in the present plan in order to comply with the ruling.

"The university may assign and move students whenever it is necessary," Dr. Cross said, adding that "Students sign a contract to move upon request when they enter the university housing."

Phillip S. Donnell, vice president of Oklahoma A. and M. College, said housing arrangements have been made for colored students. Men will be housed in the college's Sixth street barracks and women in North Murray dormitory, Donnell said.

All University of Oklahoma freshmen womon are required to live in the women's quadrangle but men students can either live in private homes or university-operated houses.

Other policies which may have to be changed include cafeteria, library and toilet facilities. Completely segregated facilities have been maintained. Colored students are now using separate tables in the cafeteria and library, and separate toilet facilities are set up in every building on the campus.

Other Oklahoma City students who applied for admission last Tuesday include Vivian Sims, Evelyn Lee, Vivian Spencer, Leora H. Christian, and Thomas Siebler.

THE CALL'S PLATFORM

The Call believes that America can best lead the world away from racial and national antagonisms when it accords to every man, regardless of race, color or creed, his human and legal rights. Hating no man, fearing no man, The Call strives to help every man in the firm belief that all are hurt as long as anyone is held back.

Momentous Decisions Give Democracy a Lift

At last, segregation has been dealt the death blow! It cannot survive much longer in the wake of the three decisions handed down Monday by the United States Supreme Court outlawing the "separate but equal" theory by which state and local governments have justified segregation and its counterpart, discrimination.

In these three far-reaching and long-awaited decisions, each touching upon a different point, the Supreme Court has ordered the elimination of segregation in higher education and in interstate travel.

In one case, the University of Texas has been ordered to admit to its student body Heman Sweatt, the Houston mail carrier who has fought so gallantly against jim crowism. In a unanimous decision, the justices backed Sweatt's contention that the segregated school established for him was in no way equivalent to the already existing law school for white students at Austin.

In the other school case, the University of Oklahoma which already has admitted Negroes, was ordered to go a step further toward democracy and stop segregating its colored students in classrooms.

Through the dining car decision, based upon the case filed by Elmer Henderson, Negro passengers in the future will be saved the embarrassment of being seated "behind the curtain" when they eat a meal while traveling in the South.

Three such decisions in one day have given a tremendous lift to democracy and justice which have been taking a terrific beating recently in the legislative halls of our government. Faith in the American way of life, which sometimes wanes when senators make a mockery of justice as they did in the FEPC cloture vote last week, is restored by such decisions as the Supreme Court handed down Monday.

The favorable decisions in the Sweatt, McLaurian and Henderson cases were not altogether unexpected, however. The Supreme Court justices could hardly have ruled otherwise. Their restrictive covenant decision of 1948, ruling neighboring housing bans unenforceable by the courts, was an indication of what to expect in the cases decided this week. To have approved the inferior professional school set up in Texas, to have permitted the continuation of segregation at Oklahoma and to have given an official okay to the dining room "curtain" would have been a backward step on the part of our highest tribunal and on the part of democracy. The same court which outlawed housing restrictions in 1948, and, earlier, the Texas "white primary" could not in 1950 have gone back and condoned jim crow in education and in travel.

How progress is made—slowly but surely—is well illustrated in comparing the 10-year-old Supreme Court decision in the Gaines case of Missouri with the Oklahoma and Texas cases of today. In the Gaines decision which a decade ago was hailed as momentous, the Supreme court ruled that the state of Missouri had a choice of admitting Gaines to the University of Missouri law school or providing a "separate but equal" law school for Negroes. It gave Missouri the right to decide whether it wanted to admit a Negro to its white law school or set up a separate law school. Missouri was given a loophole and it took it.

Then a few years later came the Sipuel case of Oklahoma in which one forward step was made over the Missouri decision. Oklahoma was told that it should provide professional training for Negroes "upon demand" or as quickly as it provides it for white students. Missouri was given a "reasonable" time in which to set up its separate facilities, but Oklahoma was told that it could not take its time and dilly-dally around with people's rights.

Then came the two latest suits—the Sweatt and the McLaurin cases which struck at the very heart of segregation itself. There was no side issue involved. Sweatt and McLaurian asked for a direct ruling on the constitutionality of segregation and they got the Supreme Court's answer. Sweatt got the Supreme Court's blessing in his refusal to attend the jim crow law school set up for him. McLaurin who was not content to be admitted to the University of Oklahoma, but continued to press his fight against segregation in the classrooms, won.

The decision in the Sweatt case of 1950 is a far cry from the Gaines decision of 1939, but without the Gaines decision the Sweatt case would not have been possible. It formed the foundation upon which the latter case was built.

It was a great day for all lovers of true liberty when the Supreme Court justices in a united voice declared segregation to be a violation of "personal and present right to the equal protection of the laws."

It was a great victory for the Negro people of America. It was a tremendous triumph for the National Association for the Advancement of Colored People, the champion of Negro rights. For it was N.A.A.C.P. lawyers who prepared the briefs, conducted the trials before the lower courts and made the arguments before the U. S. Supreme Court which resulted in this week's decisions.

We are winning our race for freedom more swiftly and surely than many of us would have dreamed a few years ago.

★ ★

How About It Now, Missouri U.?

With this week's Supreme Court decisions before them, the curators of the University of Missouri might just as well go ahead and admit the Negro students who have applied for graduate work. Nothing is to be accomplished by further delay. Judge Sam Blair, who has been asked by the board of curators to give an opinion on what should be done about the applications of Negroes, has no choice but to follow the Supreme court.

The Missouri legislature has delayed so long in making a decision on this important question that it has been taken out of their hands. Twenty-three Negro students are attending the University of Oklahoma, several are at the University of Arkansas. Texas U. will admit Heman Sweatt in the fall. It is time for Missouri, to fall in line if it can't lead the way.

Urges South to Caution

Don't Buck Against High Court Rulings, Dixie Judge Warns

MONTGOMERY, Ala — In the wake of threatened Dixie defiance of the recent United States Supreme Court rulings against segregation, Alabama Appeals Court Judge R. B. Carr last week advised Southerners to accept the decisions as "Christian men and women."

Judge Carr's admonition came in a speech Thursday before the Montgomery Exchange Club. It was made less than 24 hours after a motley crowd of Dixiecrats, Ku Kluxers and other rabble-rousers met in Montgomery in a so-called States' Rights gathering to "protect the South from the monstrous" Supreme Court decisions.

DON'T WANT TROUBLE

The judge said, "The South doesn't want any trouble. We never had and don't now. That is why we must approach this matter in a sane manner."

He advised "it might make matters worse to get hotheaded and try to buck the law."

Judge Carr declared that a definite situation confronts the South which "we must approach as Christian men and women."

'LIBERAL' STATE SCARED:

N. C. to Close Schools if Sweatt Wins Case

CHAPEL HILL, N.C.—North Carolina, long publicized as the most "progressive" and "liberal" of the Southern States on racial matters, last week served notice jointly with 10 others that it would "close the schools to prevent wholesale violence," if the U.S. Supreme Court rules against Dixie in the Sweatt case.

Attorney General Harry McMullan and his assistant, Ralph Moody, joined with Attorneys General in 10 other Southern States in telling the U.S. Supreme Court in their brief in the Sweatt case that:

"If Southern States are shorn of their power to maintain separate schools, physical conflicts will take place, as in the St. Louis and Washington swimming pool disturbances last summer, and they will be left with no alternative but to close their schools to prevent violence."

Worried by Stay Suit

The Attorney General and other State officials are, in addition to the Sweatt case, greatly worried about the outcome of the suits filed by Harold Epps and Davis Glass who are seeking admission to the University of North Carolina Law School.

The Epps-Glass case is scheduled to be heard April 1 in the U.S. Middle District Court in Greensboro, but the attorney general said last Saturday it will probably be postponed until the U.S. Supreme Court rules on the Sweatt case.

Epps and Glass contend that the segregated Law School at North Carolina College in Durham is not equal in facilities and curriculum to that at the University of North Carolina.

Lawyers Determined

C. O. Pearson, NAACP lawyer representing the plaintiffs, told the AFRO that "to get Epps and Glass into the white law school will take hard work and physical endurance."

Kelly Alexander, president of the State Conference of NAACP Branches, declared: "This fight against these undemocratic principles will be legally fought until the bitter end."

Frank Brower, Durham attorney and a candidate for the General Assembly, opined that the Duke University Law School would admit colored students before the University of North Carolina.

The AFRO disclosed several months ago that 80% of students at the university's Law School and 75% of the professors did not object to the admission of colored students.

SEGREGATED EDUCATION
Alabama States' Righters
(Dixiecrats)

Segregation Ban Parley Set Here

TALLADEGA, ALA., June (AP)—Alabama States' Righters have been called into session at Montgomery next Wednesday to consider the Supreme Court's decisions this week against racial segregation.

Tom Abernethy, who called the meeting, said its purpose was "to chart a course for the preservation of Southern civilization in the face of the Supreme Court's segregation decisions."

Abernethy said the place for the meeting will be announced later. He is editor of The Talladega Daily Home and chairman of the States' Rights Campaign Committee in Alabama.

His announcement said:

"We extend our invitation to every citizen of this state or any other state who is alarmed at the court's monstrous invasion of States' Rights. . . .

"We will plan with new fervor and determination the battle for Alabama's eternal and God-given right to handle her own internal affairs.

"We will consider the threat of unsegregated schools implicit in the court's decision and see what Alabamians can do to protect their children from Washington-enforced racial mingling on the playground and in the classroom.

"We have not slackened and we will not slacken in our fight to drive the stench of Trumanism from Alabama air."

The court ruled Monday against segregation on railroad dining cars, and specifically against segregation in the Universities of Texas and Oklahoma.

Alabama Dixiecrats Fired Over Peril To Segregation

MONTGOMERY, Ala. — (NNPA)—Alabama Dixiecrats pledged themselves last Wednesday to a unified political campaign to preserve racial segregation and called upon both colored and white people "to refrain from words or deeds which might precipitate friction between the races."

The anti-Truman Dixiecrats met in a state-wide conference to chart "a course for the preservation of southern civilization."

The meeting was attended by 110 "delegates" and was the first formal southern political gathering for the express purpose of protesting the recent Supreme Court decisions outlawing racial segregation on railroad dining cars and in state-supported graduate and professional schools.

* * *

SEVEN SPEAKERS, three of whom were among the state's presidential electors who cast Alabama's eleven electoral votes for the States' Rights candidates in the 1948 Presidential election, led an attack on the Supreme Court's rulings and voiced general agreement that the south was facing a "crisis" caused by President Truman and a "gangster ridden, socialist dominated" national administration.

The conference adopted a resolution expressing its approval of the program set forth at a national States' Rights convention last month to wage a "no retreat, no surrender" campaign at the voting precinct level to defeat "Trumanism" in 1952.

The resolution also called on the state's Democratic executive committee to permit presidential elector candidates pledged against Mr. Truman to run in the 1952 primary.

* * *

A MONTH AGO THE Alabama Dixiecrats were dislodged from control of the Democratic party machinery when a primary election to membership on the state executive committee resulted in twenty-eight seats going to the Dixiecrats and forty-three seats to candidates who pledged loyalty to the national Democratic Party.

In another resolution the Dixiecrats declared that the Supreme Court's rulings against segregation had made "more delicate and difficult the matter of race relations in the South."

It was urged that both white and colored people in Alabama "conduct themselves with forbearance, tolerance, and practical common sense in the crisis which has been forced upon both races by the vicious plotting of the national Democratic administration."

* * *

THE KEYNOTE ADDRESS was delivered by Sam M. Johnston, Mobile attorney. He called on the southern states to "unify themselves for defense and denounce on every occasion the efforts of the President of the United States and the Congress to crucify the South."

For more than a century certain segregation practices have been constitutionally approved, Johnston contended, and then he asked:

"Can it be urged that the Supreme Court of the United States as presently constituted is the repository of greater legal learning, more precise erudition, and deeper patriotism than the court as constituted by former members for 160 years?"

* * *

FORMER GOVERNOR Frank Dixon of Alabama told the meeting that under segregation race relations in the South "were so harmonious, so free from friction, and so full of good will that many of us have never conceived that this happy situation could change."

He warned that there was likelihood that Representative William L. Dawson, Democrat, of Illinois, or Walter White, executive secretary of the National Association for the Advancement of Colored People, would be a Vice Presidential candidate of the Democratic Party in 1952.

SEGREGATED EDUCATION
DINING CARS-Interstate Commerce

White Press- Northern

Blows To Segregation

The three unanimous Supreme Court opinions against segregation are less historic than most of the headlines proclaimed. They lay down no new principles. They upset no precedents. On the contrary, they follow the thinking of many previous Supreme Court opinions, projecting the doctrine of no racial discrimination on the part of governmental agencies or instruments of interstate commerce a little further than it had been carried before. The court held close to the issues of each case, consistently rejecting the broader implications that some lawyers and politicians sought to inject into these controversies.

In *Sweatt v. Painter* the court held that the University of Texas Law School must admit a qualified Negro student. It was no answer, the court said, that Texas had hastily organized a law school for Negroes. Since the trial of this case that school has acquired a student body of 23, a faculty of five professors and a library of 16,500 volumes and is apparently on the road to full accreditation. But any reasonable person knows that the new school could not offer opportunities for a legal education "substantially equal" to those offered at the University of Texas Law School. Through Chief Justice Vinson the court recognized this elementary fact and went back to Chief Justice Hughes' declaration in the Gaines case that the individual student is entitled to equal protection of the laws.

In the McLaurin case the court invalidated the foolish efforts of the University of Oklahoma Graduate School to maintain segregation within the school after a Negro student had been admitted. At first Professor McLaurin was placed in an anteroom adjoining the classroom. Then he was assigned to a special seat in the classroom, a special table in the library and in the cafeteria. Once more the court said simply that "the Fourteenth Amendment precludes differences in treatment by the State based on race."

The court did not reach the constitutional issue in deciding that the Southern Railway's segregation policy in dining cars could not stand. This decision rested solely on the Interstate Commerce Act which forbids a railroad in interstate commerce "to subject any particular person, . . . to any undue or unreasonable prejudice or disadvantage in any respect whatsoever." The court found that prohibition equally effective against the arrangement under which two end tables in the dining car were provisionally reserved for Negroes (with a curtain separating them from the remainder of the car) and the arrangement under which one table with four seats was unconditionally set aside for Negro passengers. Going back to the McCabe and Mitchell decisions, Justice Burton said for the court: "Where a dining car is available to passengers holding tickets entitling them to use it, each such passenger is equally entitled to its facilities in accordance with reasonable regulations."

As a practical matter, this is probably the death knell of segregation in dining cars. While the court specifically declined in the Sweatt case to reexamine the "separate but equal" formula of its past decisions, it seems to leave Southern railroads with the alternative of abolishing segregation or putting on an extra dining car for Negro passengers. Similarly the States must abolish segregation or provide equality of opportunity in separate schools. And it is now clear that where no such equality exists, segregation bars must be let down.

Segregation Decisions

Editorials in your paper about recent court decisions on segregation should require some good logical thinking on the part of our citizens. Common sense, justice and economics suggest steps should be taken to eliminate segregation now.

To carry out recent mandates of the courts to their fullest implications would mean either bankruptcy to already heavily taxed communities, or reduction in the offerings of the public school system and a stepping down of the costs of education to the point where segregation and equality between races could be maintained. None but the most unregenerate of the aging bigots still left in our midst would want to pay this price for maintenance of segregation.

Those who fear dire results if we take bold steps in changing from a segregated social order to a more tolerant and freer economy should look about and see that these fears are groundless. Elimination of segregation in the Air Force and Navy disproves this fear. Those who predicted grave consequences if Jackie Robinson played ball in Dixie are thoroughly confounded. Affidavits before the Supreme Court in recent cases from hundreds of students at Oklahoma, Texas and other universities assert welcome of colored classmates. Many interracial elementary schools exist under church or private auspices in nearby Washington communities. The forthcoming AAU meet at Maryland University gives added support to the fairness and willingness of American-born youth to get along together.

We have delayed too long in developing courses or practices in intergroup or intercultural education. Even with a law prohibiting instruction in the same classrooms, there seems to be no good reason why through the medium of athletics, dramatics, music, debating, essay contests, and other extracurricular activities our pupils should not be allowed to meet. It is noticeable that when the boys of our schools meet in athletics in out-of-school sponsorship, a splendid kind of comradeship exists, and there is no perversion in the connotation of this kind of comradeship. This is the challenge our statesmen in the field of education must meet.

E. B. HENDERSON

Vice President, D. C. Branch. National Association for the Advancement of Colored People.

SEGREGATED EDUCATION
DINING CARS- INTERSTATE COMMERCE

WHITE PRESS-SOUTHERN

Negro Schools Ruling Poses Billion Dollar Dixie Question

Too Little, Too Long Policy Blamed For Plight After Court Decision

By CHARLES BARRETT, Associated Press Staff Writer

Equal education for Negroes is a volcano on which the South slept for half a century.

Now the volcano has erupted into a billion-dollar problem.

One billion dollars is the best available estimate of the total difference between educational facilities for whites and Negroes in 17 Southern and border states today—from kindergarten through college.

The figure raises a cloud for the South in the wave of U. S. Supreme court decisions this week. The high court ruled unanimously and emphatically, in Texas and Oklahoma cases, that states must provide education for Negroes equal in every way to that for white persons.

If separate Negro facilities are not truly equal, said the court, then Negroes must be admitted to white institutions.

* * *

ACTUALLY, of course, that's no new idea. Southern states themselves enacted laws demanding equality back in Reconstruction days.

The problem is that little was done about it for so long. In recent years some states have started big programs to meet the issue. But there's still far to go for the South as a whole.

Each time the Supreme court flashes its red warning signals, enforcing equality, uneasiness spreads across the South. More than a dozen equality suits are pending now in lower courts in Southern states.

What can the South do?

Senator Johnston (Dem., S. C.) said this week: "It's obvious that South Carolina cannot afford to provide separate and equal school facilities for both races."

Said Editor Ralph McGill in The Atlanta Constitution: "We should have known that we could not solemnly pass laws and then cynically and cruelly ignore them and get away with it forever. Certainly there were vast discriminations. There still are. We are caught in the trap of our own laws."

Increasing the headaches, the South's white schools are superior to Negro schools, but below the average for the nation; the South is the region least able to pay for either.

* * *

INTERVIEWS with educators and other objective leaders this week indicated these are some of the answers that will develop:

FIRST, some racial barriers will fall in college graduate education. More and more states will admit Negroes to white medical schools, and such.

The cost of providing duplicate graduate facilities for Negroes in each field in each state is all but prohibitive. And even if the money is raised, personnel isn't available to staff Negro schools in such fields.

SECOND, there will be little if any quick breakdown of segregation at the undergraduate college level—and absolutely none in public grade schools in the South.

But to preserve segregation, lagging states will speed sharply their equalization of Negro schools.

* * *

ONE OF THE region's best qualified experts, who said he could not be quoted by name in such a controversial question, put it this way:

"Segregation has a price tag. The South probably will buy all it can. But in the highest fields of education it just can't be bought."

Dr. George Mitchell, executive director of the Southern Regional Council, an inter-racial group promoting equality, saw no danger of the South fighting for segregation by raising huge sums to provide complete, separate college facilities for Negroes:

1. Courts could declare, as in the Texas case, the separate facility still is not truly equal. He viewed the chance of courts finding real equality in most cases "very slim."

2. Or the Supreme court some day still could wipe out segregation itself as unequal and illegal, an issue the court did not answer this week.

In either case. he said. millions would have been spent in a fruitless effort.

* * *

JUST WHAT is the picture on inequality today and where did the billion-dollar estimate come from?

In some states inequality reaches into every nook and corner of education: Expense per student, teacher salaries, textboks, buildings, bus transportation, length of term.

Other states are quick to point pridefully at rapid progress toward equalization.

No one, of course, knows the exact total difference in dollars. Such a scientific survey simply hasn't been made. The billion-dollar estimate was the conclusion of a half-dozen leaders who would hazard a guess. It is based on such statistics as are available.

The Southern Regional Council, which has studied the question for years, said the figure probably is higher. Using U. S. Office of Education figures, it is estimated the cost of equalizing school buildings alone in 17 states practicing segregation in 1949 at $726,423,224. This was an adjustment of an actual count, on a per pupil basis, in 1945-46 totaling $456,869,952.

* * *

AND THESE FIGURES included nothing for colleges and universities. Today there is no state-supported Negro medical school in the South, no Negro schools offering Ph.D. degrees, and about half the states have no Negro law schools. The cost of establishing Negro medical schools in 12 states alone is estimated by the Board of Control for Southern Regional Education at about $144,000,000. White state universities offer 20 to 35 Ph.D. degrees.

In addition to creating these new college facilities, equalization would call for big boosts in many states in operational expenditures for present Negro courses.

Superintendent M. D. Collins of Georgia's Public School System figured $100,000,000 is the minimum to equalize Negro public schools alone in this state; an Atlanta Constitution writer put the figure at $175,000,000.

The South Carolina Negro Teachers Association, in a survey with a Negro editor and other leaders, estimated the cost of equalizing public schools and colleges in that state at $110,000,00.

* * *

IN LOUISIANA, a statewide study in 1947 showed a difference in public school buildings alone of $30,000,000.

Mississippi reported a $7,000,000 increase in school appropriations this year with $6,000,000 earmarked for Negroes. In 1945-46, Mississippi spent $75.19 per white pupil, $14.74 per Negro.

Kentucky and Tennessee reported equality in operational expenditures. Arkansas reported a current difference of $12,000,000 in public school buildings and $3,250,000 in operational expenditures, but said these would be wiped out in three to five years.

Alabama reported a total difference of about $40,000,000.

* * *

ARKANSAS and Kentucky already are admitting Negroes to some white college courses.

Virginia, Tennessee, Alabama, South Carolina and Louisiana reported equal teacher salary scales in public schools.

SEGREGATED EDUCATION
DINING CARS-INTERSTATE COMMERCE

NEGRO PRESS -NEGRO LEADERS

End of Second-Class Citizenship Now in Sight, Educators, Lawyers Agree

The three U.S. Supreme Court decisions outlawing segregation on dining cars (the Henderson case) and in State-supported schools (the Sweatt and McLaurin cases) have been hailed as a real victory by educators and attorneys all over the nation.

With one accord, they indicated that the Supreme Court paved the way for the complete elimination of all segregation even though the Court did not actually overrule the Plessy vs. Ferguson decision which upheld the separate but equal doctrine.

Comments follow:

Cites New 'Handling' of Cases

DR. JOHN W. DAVIS, president, West Virginia State College: "The question now is—what is equal? And the Supreme Court while reserving to itself the right to answer finally this question for a given State, practically makes its judicial decisions—in the three cases now referred to—as binding as constitutional ones can be.

"The Court spells out "Equality" in terms of measurable and non-measurable criteria and thus invites a flood of new cases.

"There is something new in the handling of these cases by the Supreme Court and this newness is in the constructive interest of the colored man and American democracy."

Lesson for 'Uncle Toms'

DR. DAVID D. JONES, president, Bennett College: "The recent supreme court decisions in the field of education, will have a salutary effect, in my judgement. They ought to do away eventually with many of the fictitous graduate schools which are now undermining the integrity of education among us.

"They surely ought to give the "Uncle Toms" and the regional education boys cause for pause. The decisions are a chipping away process which will eventually undermine segregation in education here in America, I believe.

DR. F. D. PATTERSON, president, Tuskegee Institute: "I consider the Supreme Court decisions highly significant but not world-shaking. I am glad the quality of offerings has finally entered the picture. This factor will be important for the future.

Beginnings in Maryland

THURGOOD MARSHALL, NAACP chief counsel: "The decisions outlawing segregation in graduate and professional schools are of particular interest to those of us who have been in the fight for such a long time.

"When these cases began with the University of Maryland case in 1935, there were few who would believe that we would eventually obtain a decision outlawing segregation in legal education depends entirely upon the people of the several States.

"The lawyers can move no faster than they move. The NAACP is grateful for the co-operation of its members and friends and particularly the Negro press.

"With this continued co-operation, we will break down all forms of racial segregation in this country. The end has not yet been reached but it is most certainly in sight."

Here is what five Washington lawyers said:

Just One Milestone

BELFORD V. LAWSON JR., chief counsel in the Henderson case: "The Supreme Court decision in the Henderson case is a great victory over discrimination and inequality in interstate travel and indicates the strength and power that lies in collective action by our sororities and fraternities.

"The Alpha Phi Alpha Fraternity provided the principal financial support for the suit. Alpha can indeed be proud of a sacrifice well worth making.

"But this decision marks only a milestone in our onward struggle. The next phase is one of enforcement to the letter of the law.

"We shall insist that the Interstate Commerce Commission appropriate orders to the southern railroads still disposed to practice segregation and discrimination to bring their regulations in line with the spirit as well as the clear and unequivocal language of the decision.

"In the meantime we advise colored travelers to be on the lookout for subtle efforts on the part of dining car stewards and other railroad employees to continue special seating arrangments and circumvent the decision. They should not accept any subterfuge nor willingly yield to any circumvention."

Fighting Area Narrowed

JOSEPH WADDY, a member of the Houston, Houston and Waddy law firm: "They are immensely significant and have narrowed the area in which the fight against segregation must be continued.

"In my opinion they represent a significant step towards the abrogation of the 'separate but equal' principle."

PERRY HOWARD, a member of the Cobb, Howard and Hayes law firm, commented: "With respect to the dining car case, I regard it as a complete victory. On the school cases I consider that we made great strides.

"The most interesting phase of the case, as I see it, was that the Southern members of the court went along with us on the dining car proposition."

Court's Integrity Upheld

LEROY McKINNEY, president of the Washington Bar Association, asserted: "The decisions rendered by the United States Supreme Court in the Henderson, Sweatt and McLaurin cases go a long way towards eliminating legal sanction of second-class citizenship in this country.

"Although, the 'separate but equal doctrine' was not overruled, it was drastically curtailed. By these decisions the Supreme Court has again demonstrated that it is the greatest bulwark in the United States for the protection of the liberty of our people.

Must Work Harder With Hope

FRANK REEVES, a member of the Hayes, Reeves and Mitchell law firm: "These three decisions are significant victories in the unremitting war against the second-class citizenship status to which colored persons would be relegated but for the protection afforded by our Constitution and Supreme Court.

"It is too early to determine their full impact and implications in the total war against segregation.

"However, despite the Court's deliberate and studied effort to limit their application and leave undisturbed the myth of "separate but equal" treatment, these decisions narrow the area within which that doctrine can be sustained to an almost imperceptible line.

"Upon this premise we can redicate ourselves to the fight with renewed hope and promise of ultimate victory."

What They Said in Newark

OLIVER RANDOLPH, a delegate to the New Jersey Constitution Convention and father of Civil Rights Clause of the Constitution:

"The United States Supreme Court very properly held in the school cases that the segregation policies of the so-called 'white universities' of the South violated the 14th Amendment. These two decisions and the dining car decision are noteworthy and show the continued trend toward real justice in our highest court.

"However, these decisions should focus the attention of the civilized world on the brutally unfair educational policy practiced by those in charge of the governments of the white South.

"Will the reputedly proud Southern 'white State universities now feel a sense of shame after digesting these decisions? Will they realize that the exclusion of colored students practiced over the years was nothing less than criminal, was a fraud and a cheat? What will be done to repair damage done to those who have been defrauded over the years?"

More Whittled Away

BERTRAM C. BLAND, who played an important role in the fight against segregation in the New Jersey National Guard:

"While the decisions do not abolish segregation as such, their greatest significance is that they reveal a tendency on part of the Supreme Court to whittle away the "separate but equal" doctrine established in 1896.

"Sometime in the future we may expect the Supreme Court to eliminate that doctrine entirely."

Told to Rejoin Union

JAMES A. CURTIS, New Jersey Assemblyman; "The decisions mark a forward step in the long fight to establish the dignity of citizenship for all, regardless of racial differences.

"The South has too long been permitted to make a mockery of the Constitution in a vain effort to maintain a master-servant relationship between colored and whites.

"Again the South has been directed by the Supreme Court to discontinue such illegal practices and to join with other States in preserving our way of life."

HARRY HAZELWOOD, president Newark Branch NAACP, asserted: "I was present in Washington on the day the cases were argued, and spent some two hours with lawyers handling these cases. Although it was a semi-social gathering, I noted that everyone was eager to discuss the issues involved. Each expressed the hope that decisions handed down would be favorable.

"The results of the recent Supreme Court rulings make for a great spiritual uplift among those fighting for democracy and those members of minority groups seeking civil rights."

"Long Stride Forward"

SPOTTSWOOD W. ROBINSON 3rd, Richmond attorney: "Careful study of the opinions in the three cases reveals their far-reaching and permanent significance. While each decision, in its own right, is a long stride forward, their effect in combination is truly momentous.

"These cases are essential redefinitions in important areas of human rights, and again demonstrate the fallacy in the theory that the equality secured to all persons by the Constitution can ever be afforded within the framework of segregation.

"The decisions are more than retreachments of the system of racial separation. They herald the impending doom of the system itself."

A New Landmark

ROLAND D. EALEY, Richmond attorney: "When the final curtain is drawn on discriminatory practices exercised in this country based on racial differences, the three recent anti-segregation decisions of the United State Supreme Court will stand out as landmarks toward their banishment.

"Those decisions more than any single factor of our generation have affirmed the fact that the Constitution of the United States is the greatest document created by mankind for the awarding and protection of human freedom.

More than anything else, these decisions, coming so close after the death of Charles H. Houston, magnify his greatess, for its was he who did so much for the attainment of civil rights and who shortly before his death devised a time-table when the young colored lawyer would completely rid America of racial discrimination.

"The Sweatt and McLaurin cases show clearly that the problem of education which once was a private concern is now a maior function of the Government.

"These decisions do not overrule Plessey vs. Ferguson, the case which decided the separate but equal doctrine based on an assumption of theoretictl equality in a segregated frame-work, and do not spell doom to complete racial segregation.

"But to a thoughtful person that is wishful thinking because the "equal protection of the laws" was placed in the fourteeth amendment to eliminate all discrimination between citizens on account of race or color at the hands of the State.

As for interstate travel ,it would seem that all passengers are entitled to the same accommodations by the common carriers when en route from the purchase of a ticket, until the destination is reached.

SEGREGATED EDUCATION
DINING CARS-Interstate Commerce

WHITE PRESS-SOUTHERN

Senate passes resolution—

Segregation rulings attacked

MONTGOMERY, Ala., June 21—(AP)—Recent Supreme Court decisions against racial segregation were denounced by the Alabama Senate today as a threat to Southern civilization.

Without a dissenting vote, the Senate passed two resolutions deploring the Supreme Court rulings and sent them to the House for concurrence.

The resolutions were sponsored by Sen. George Quarles, of Dallas County, where the population is predominantly Negro.

"The way of life of the Southern people, civilization itself as we know it in the South, peace and good-will between white and Negro races" depend on segregation, one resolution declared.

Condemning the "continuous efforts" by the courts, the president, and Congress "to force intermingling of the races," the resolution demanded "recognition of our right to our laws and our customs, and to local self-government."

THE OTHER RESOLUTION declared flatly that "we will not submit to the intermingling of white and Negro children in our public schools."

It called on federal courts and agencies and employes to "exercise caution" to avoid stirring up conflict between our races.

The resolution demanded Alabama members of Congress "protect us against the continual encroachment of a powerful federal government in breaking down" States' Rights.

The Supreme Court recently outlawed segregation on railroad dining cars and at the University of Oklahoma and ordered the University of Texas to admit a Negro law student.

Sen. Quarles also introduced another resolution demanding that the federal government discontinue its program of grants to the various states on such things as highways and welfare but the Senate took no action on that.

Legislature Says Alabama Will Not Permit Mingling Of Races In Public Schools

Voter Qualification Bill Receives Top Position On Senate Calendar; Tie-In With Reapportionment Seen

Alabama legislators Wednesday voiced defiance of the U. S. Supreme Court's segregation rulings and flatly declared "we will not submit to the inter-mingling" of races in public schools.

Without a dissenting vote, both houses passed two resolutions attacking the recent anti-segregation decisions.

Meanwhile, a proposed substitute for the old Boswell amendment to set up voter qualifications in Alabama gained a strategic position on the Senate calendar over an administration-sponsored reapportionment bill.

The voted qualification bill was reported out of the Senate constitution committee first Wednesday and will get priority when the legislature meets again on Thursday.

Tie-In Foreseen

Reapportionment supporters are expected to try and tie the two together, however, with an amendment to provide that the voter qualification proposal would go into effect when the Senate has been enlarged to 67 members.

Administration leaders claim they can do that under the state Constitution. But Black Belt senators are expected to put up stiff opposition.

Over in the House, the situation there is just the opposite, with the 67-senator bill to be considered before the Boswell substitute.

The resolutions attacking the U. S. Supreme Court's segregation decisions were introduced by Senator George Quarles of Dallas County where the population is predominantly Negro.

"The way of life of the Southern people, civilization itself as we know it in the South, peace and good will between white and Negro races" depend on segregation, one resolution stated.

In condemned the "continuous efforts" by the courts, President Truman and Congress "to force intermingling of the races" and demanded "recognition of our right to our laws and our customs, and to local self-government."

"We will not submit to the intermingling of white and Negro children in our public schools," the other resolution declared.

It demanded that Alabama congressmen "protect us against the continual encroachment of a powerful federal government in breaking down" states' rights.

Quarles introduced a third resolution, demanding that federal highway and welfare grants to the state be discontinued, but it was sent to committee and no action was taken on it.

The U. S. Supreme Court recently ordered the University of Texas to admit a Negro to its white law school, outlawed segregation at the University of Oklahoma and on railroad dining cars.

Meanwhile, a companion to a Senate bill to reapportion the Senate by providing for 36 seats, four from each congressional district, was introduced in the House by Rep. James G. Adams, of Jefferson.

The Senate is now composed of 35 members, representing senatorial districts of one to three counties each.

Double Attack

While the Boswell substitute and the 67-senator bill were jockeying for position on the Senate calendar, Gov. James E. Folsom's political foes continued to peck away at the administration.

Senator Bruce Henderson of Wilcox introduced a bill to set up strict regulations of parolcs, and Quarles offered one to abolish the State Bridge Commission entirely.

There has been repeated criticism of the operation of the state Pardon-Parole Board, dominated by Folsom appointees. The bill to abolish the bridge commission followed on the heels of a move by the group to construct four toll bridges in the state.

Another bill introduced by Quarles would prohibit the administration from letting highway contracts unless work will be 75 per cent complete by the time Folsom leaves office and payment of the entire project has been arranged.

Rekindles Fire

Senator A. L. Patterson of Russell kindled the fire under Alabama's electoral votes when he introduced a bill to require the names of the electors along with the candidates they are pledged to support on the same ballot.

Electors' names only appear on the ballots now and in 1948 the 11 chosen refused to support President Truman after the State Supreme Court said they could vote for whomever they chose.

The legislature also set up a six-man committee to investigate conditions at Bryce Hospital in Tuscaloosa.

Offered by the Tuscaloosa delegation, the resolution told the committee to report back within five days.

Funds For Bryce

Companion bills were introduced in both houses to appropriate $2,000,000 to the institution as building funds. The money possibly would be matched by $4,000,000 in federal funds, one sponsor said.

Named to the committee were Reps. Pelham Merrill of Cleburne, Robert Brown of Lee, James G. Adams of Jefferson and Senators Graham Wright of Talladega, R. G. Kendall of Conecuh and Albert Boutwell of Jefferson.

Dr. John Tarwater, superintendent of the Tuscaloosa institution, asked the legislature to find money for two new 200-bed hospitals to house the increasing number of patients.

He said the hospital has had an average of 6,125 patients during the last year, but although turnover is rapid, the total continues to increase.

For the period June 15, 1948 to Sept. 30, 1949, he reported, there were 107 more applicants for admission than during the previous 12 months.

Dr. Tarwater said the state should get its share of funds for the two hospitals before next July so it can be matched on a two-for-one basis with federal funds.

One of the committee members, Senator Albert Boutwell of Jefferson County commented that he felt most lawmakers are sympathetic to the problems at Bryce Hospital.

Still, he added, the state doesn't have money on hand to met the request now and the projects probably should be carried over to next year's regular legislature.

Dr. Tarwater invited the committee to make a first hand inspection of the facilities at Bryce Hospital.

Committee members thanked him but said they didn't know whether the special session will last long enough for them to do so.

Mississippi Schools Keep Segregation

Cannot Eliminate Racial Differences, Says Attorney General

JACKSON, MISS., June 27.—(AP)—Mississippi will continue to practice segregation in its public school system, Attorney General John Kyle declared here Tuesday.

It was the first public statement by a Mississippi official on the subject since the United States Supreme Court handed down three decisions widely heralded as meaning an end to segregation.

Kyle made the state's position clear in an address he delivered to a convention of county school superintendents.

"Natural laws created racial differences and inequalities of social culture which cannot be eliminated by legislative act," he said.

"Racial antagonism may be intensified but cannot be cured by judicial decree.

"Section 207 of the state constitution provides that separate schools shall be maintained for the white and colored races.

"We, in Mississippi, are fully resolved to continue to apply the principle of segregation in our public schools as it has been applied heretofore and as provided for in section 207."

The United States Supreme Court, in ruling on the three segregation cases, did not rule on the broad question of the principle of "separate but equal facilities." The unanimous decisions specifically dealt only with the issues involved in the cases.

In the decisions the nation's highest tribunal found segregation in railroad dining cars is discrimnatory, ordered the University of Texas to admit a Negro law student on grounds equal facilities are not available at the state-supported Negro law school, and directed the University to end segregation of Negroes it already has admitted as students.

Kyle Tuesday told the superintendents "the Supreme Court has held many times that the right and power of the state to regulate the method of providing for the education of its youth at public expense is clear."

Eastland Charges Attempt To Tear Down Dual School System Of Southern States

WASHINGTON — (AP) — Senator James O. Eastland, D., Miss., charged Thursday that "recent decisions of the Supreme Court are an attempt to tear down the dual school system of the South."

In a Senate speech, he said that in the South "the white race and the Negro race do not desire and will not have interracial schools."

Eastland said "we have no apologies to make for racial segregation," and "regardless of what the agitators say, racial segregtion is not about to crumble. We believe in it."

The Mississippi Democrat, in the most outspoken speech on the race issue by a Southern senator in many months, introduced a resolution to require the Federal Security Agency to investigate cost of equalizing white and Negro school buildings in the South.

Eastland said he wanted to find "some equitable basis for contributions by the Federal government and the states to equalize white and Negro school facilities in states with a dual school system."

12d 1950

SUPREME COURT

SEGREGATED EDUCATION
DINING CARS- INTERSTATE COMMERCE

WHITE PRESS_NORTHERN

South May Follow Kentucky Formula

By Chalmers M. Roberts
Post Reporter

A 1950 Kentucky amendment to its school segregation law may set the pattern of Southern legislation to meet the latest Supreme Court rulings handed down a week ago today.

Chief Justice Vinson, a Kentuckian, was well aware of the action of his State's Legislature when he wrote the court's unanimous opinions in the Texas and Oklahoma University cases, The Washington Post has learned. Whether he felt his own State already had found a way out of the dilemma he posed for others of the 17 States that practice school segregation, along with the District, is something else again.

In the Texas and Oklahoma cases, the Supreme Court did not strike down "separate but equal" school facilities for whites and Negroes, but it insisted that "equal" be literally interpreted. Vinson's discussion of what factors go to make up "equal" facilities in Texas law school appeared to make it rather evident that the simplest way out would be to admit Negroes to most white State graduate schools.

Neither of the cases decided last Monday affects undergraduate colleges. Nor do they touch on segregation in grade or high schools. The Federal courts, however, already are considering other cases that do affect these schools and one or more such cases may get to the Supreme Court in the new term beginning in October.

But for the present, the problem is simply this: what shall the State universities which now segregate do when Negroes ask admission to graduate schools and where no "equal" facility is offered in an all-Negro school? In many cases no facility at all exists for Negroes.

Justices Clark and Minton, the new appointees, disagreed with Vinson only two and six times, respectively.

Justice Black wrote the most dissents, 31, with 28 for Justice Frankfurter and 26 for Justice Jackson. Clark and Minton each wrote a dozen majority opinions, a high figure for new justices.

An Associated Press survey yesterday showed there is no State-supported Negro medical school in the South and no Negro school offering a Ph.D. degree. About half the States have Negro law schools, including Texas, whose school was held to be something less than "equal" to that for whites. The cost of establishing Negro medical schools in 12 Southern States alone is estimated at about 144 million dollars by the Board of Control for Southern Region Education, the AP reported.

Hence the Kentucky situation may offer the way to meet the Supreme Court's rulings as far as graduate schools go. This is what happened in that State.

Last year a Federal court judge ordered the State to open the doors of the University of Kentucky for graduate and professional study in cases where the same courses were not offered at the Kentucky State College for Negroes. In other words, if "equal" facilities were not available—or at least comparable facilities—the Negro student must be admitted within the white institution.

The Kentucky Legislature this year amended the 1904 school segregation law to permit Negroes to attend any white institution of higher learning, public or private, under two conditions—if the institution's governing body approves or if comparable courses are not available at the State's Negro college.

The measure passed the State Senate, 23 to 3, and the State House of Representatives, 50 to 16. A similar amendment failed of passage in 1948, before the Federal court order.

So far, five Kentucky schools have taken advantage of the amendment — the University of Louisville, partly supported by municipal funds; Berea College, a private institution, and three Catholic colleges in Louisville; Nazareth and Ursuline colleges for women, and Bellarmine College for men. The latter will open this fall for the first time.

Berea, well known as a cooperative school where students work at dairy and other enterprises to pay their way, was itself the reason for the 1904 segregation law. From 1866 to 1904 it had admitted Negroes on the same basis as whites.

The University of Louisville this fall will admit graduate and professional Negro students and a year from this fall will admit Negroes to the entire school. This is being done under the new segregation law amendment.

The Catholic colleges took the position that they could admit Negroes to all their classes since each course includes religious training not offered at the State's Negro college.

As a result of the legislative action, college officials and lawyers in Kentucky—home State of two of the Supreme Court justices—feel they already are in tune with the latest court rulings.

The Associated Press survey, based on interviews with educators and other leaders, indicated that the color bar is likely to fall in graduate school education, by various forms of State action. The survey quoted "one of the region's (the South's) best qualified experts, who said he could not be quoted by name on such a controversial question" as saying:

"Segregation has a price tag. The South probably will buy all it can. But in the highest fields of education it just can't be bought."

41 Unanimous Decisions Among High Court's 107

In 107 cases decided in the 1949-50 Supreme Court term, 41 were decided unanimously.

In all but three, Chief Justice Vinson was with the majority.

HIGH COURT RULING WEIGHED IN SOUTH

Georgia Observers Predict Gain for Klan and Sure Victory for Governor Talmadge

Special to THE NEW YORK TIMES.

ATLANTA, June 10—Interest in the Southeast centered this week on the Supreme Court's decisions on racial segregation in railroad dining cars and educational institutions.

While Negro leaders throughout the area applauded the decisions, the vast majority of white Southerners, including many liberals who have been working to end racial discriminations, agreed that grave problems were posed.

There was no doubt that the decisions had added to the difficulty and danger of issues which enlightened Southern leaders are earnestly trying to meet with justice for all concerned.

Ku Klux Klan Advantage

Ku Klux Klan leaders in this area immediately attacked the court's actions and it was felt that the tide of Ku Kluxism is certain to rise. The Klan chieftains saw in the court's opinions an opportunity to swell their ranks.

Political observers in Georgia agreed that the court practically assured the victory of Gov. Herman Talmadge in the Democratic primary on June 28—and nomination in this one-party state is tantamount to election.

The race issue became the most important in this week's political speechmaking by Governor Talmadge and former Gov. M. E. Thompson.

Support of Segregation

Governor Talmadge spoke in a manner that was reminiscent of the fiery "white supremacy" campaigns of his late father, Eugene Talmadge. In a series of talks in rural Georgia, he promised that he could be depended upon to keep whites and Negroes segregated in the schools.

Mr. Thompson also declared his support of segregation and has said he has a plan to finance the program required to equalize schools. He accused Mr. Talmadge of refusing to recognize the segregation issue as one that required solution.

It was recalled that the late Eugene Talmadge was elected on the race issue in 1946 after the Supreme Court had ruled out the "white primary" in Texas. In 1948 his son Herman rode into office on a "white supremacy" platform and was admittedly helped immeasurably by the Fair Employment Practices Commission issue.

EDUCATION IN REVIEW

Southern Educators Study the Implications of Supreme Court Rulings on Segregation

By BENJAMIN FINE

The Supreme Court decisions last week on segregation and racial discrimination reopened an old educational controversy in the South. Educators generally were unwilling to admit that the traditional policy of the dual educational system in the seventeen Southern states was on the way out. Their immediate reaction was: "Nothing can change that policy." However, they were plainly worried.

In directing the Universities of Texas and Oklahoma to admit Negroes to their graduate schools, the high court did not break down all existing barriers, but it did chip away at the South's doctrine of separation of white and Negro students.

The Court told Texas that Heman Marion Sweatt must be admitted to the all-white University of Texas Law School, and that G. W. McLaurin must be permitted to sit and eat with the other students at the University of Oklahoma. The doctrine of "separate but equal" facilities was not considered specifically by the Supreme Court, but the implications of its rulings were serious enough to cause a shudder among Southerners.

One aspect of the Court decisions, as expressed by Chief Justice Fred M. Vinson, received wide attention in education circles. He noted that the University of Texas Law School "possesses to a far greater degree (than the Negro school) those qualities which are incapable of objective measurement but which make for greatness in a law school." The Negro school, he said, excludes 85 per cent of the population of Texas and most of the lawyers, witnesses, jurors, judges and others with whom Mr. Sweatt would deal when he became a member of the Texas bar.

Not Substantially Equal

Then came this significant statement by Chief Justice Vinson:

"With such a substantial and significan segment of society excluded, we cannot conclude that the education offered (Mr. Sweatt) is substantially equal to that which he would receive if admitted to the University of Texas Law School."

This statement was immediately seized upon by those who are opposed to the segregation policy. They saw in it an opening wedge that might lead to the final and complete overthrow of all educational segregation in the South. For, they argued, under this interpretation, it would be utterly impossible for any Negro college or university, no matter how adequately equipped or financed, to provide "equal" opportunities to the Negro student.

If a student is required to go to a separate state university, one for Negroes only, he is bound to be cut off from a "substantial and significant segment of society." And whether he is studying to be a lawyer, doctor, accountant or teacher, under the Vinson ruling he can show that he is being handicapped by exclusion from the white universities.

Walter White, executive secretary of the National Association for the Advancement of Colored People, said the Supreme Court decisions "struck a blow against discrimination and segregation in higher education." And he served notice that Negro students intended to press for the abolition of segregation in all academic circles. It is impossible, he said, to achieve equality in higher education within the framework of segregation.

Suits Are Pending

Several lawsuits have already been started challenging the "separate but equal" principle. The expectation is that a number of others will follow as a result of the Court's action.

In North Carolina, four suits involving segregation in education are pending. One affects the University of North Carolina and three the public schools. Four suits are awaiting disposition in Louisiana, where Negroes are demanding equal education in public schools. In Florida, six suits are pending in which Negro students seek admission to various professional and graduate schools in the University of Florida. Two suits demanding equality in public schools are before the Georgia courts.

Southern educators, in some cases, have admitted Negroes to higher education institutions, particularly on the graduate levels. The University of Arkansas enrolls Negroes in its graduate schools of law and medicine. In Kentucky, a state law which becomes effective next week permits boards of trustees to vote to let Negroes take courses not provided by the Negro state college. West Virginia University admits Negroes to its graduate school.

But the question of admitting Negroes to white public elementary and secondary schools is another matter. A survey of the State Education Commissions of the South, conducted by this department, shows a unanimous "no" to the question: "Will you admit Negroes to your white public schools?"

A. R. Meadows, Superintendent of Education in Alabama, commented: "I do not think that Negro parents and pupils want that to happen."

Warnings from the South

Several educators warned that even if the South agreed to take Negro children in the white schools, individual communities would not permit it. They held that any such attempt at ending segregation would lead to a dangerous situation. Several warned that the parents would oppose this step, and that the pupils themselves would not sit beside the Negroes.

"You can't legislate social mores," is the way one of the educators put it. "We've solved the problem of the two races in our own way, and it would be dangerous for anyone from the outside to come in and upset the applecart."

But that view was challenged by those who believe that the segregation controversy is "synthetic."

Dr. White said:

"The N. A. A. C. P. is prepared to challenge whatever obstacles Southern reactionaries may seek to interpose. Negro young men and women of the South are entitled to equality of educational opportunity. A Jim Crow system cannot offer such equality. Southern Negroes are insisting upon an end to segregation."

It would appear that the question of "separate but equal" educational facilities is rapidly heading for a showdown.

Southern educators generally admit that Negro schools are not equal to those provided for white children. However, they are quick to point to the tremendous progress that has been made in recent years. Many millions of dollars have been spent by the South, they say, to bring the Negro schools within striking distance of the white schools. However, even the most sanguine will admit that the two systems are far from equal at this moment.

SEGREGATED EDUCATION
DINING CARS-INTERSTATE COMMERCE

NEGRO PRESS

Talmadge Dissents

Acting unanimously, the United States Supreme Court, in decisions handed down Monday, outlawed three particularly vicious and stupid acts of discrimination against Negroes. Understandable joy over these decisions, unfortunately must be tempered by the mere fact that civilized men were forced to the highest court in the land to obtain what is less than ordinary human courtesy. It speaks ill of the whole nation that in the 20th century, the primitive customs which shielded the naked greed of the slaveholder, still curse the land.

Still, it is well and good that the Court branded these particularly repulsive practices, however belatedly. It is difficult to see how any person with as much as one half of his share of common sense could disagree with the Court as to its interpretation of the law or the spirit of the law. On the other hand, it was to be expected that Governor Talmadge of Georgia would dissent. The Associated Press reports that Talmadge affected idignation and said, "As long as I am governor, Negroes will not be admitted to white schools."

"As long as I am governor . . . " is the important phrase to remember here, for it is obvious that if the people of the South are to rise out of their long fatigue and carefully protected ignorance, Talmadge and all that he stands for must soon be driven from positions of power.

In its first decision, the Court ruled that Heman Marion Sweatt must be admitted to the pristine University of Texas on the grounds that a separate school did not provide "equal" education. This ruling strikes rather sharply at Missouri and other backward states which have set up quonset hut schools primarily to keep Negroes out of state universities, rather than to educate them. This particular ruling should prove interesting to the Missouri Supreme Court which often confuses the backward customs of Missouri with the letter of Constitutional law. Would it be necessary to go beyond Missouri's high court to prove that the Lincoln law school is just another outhouse such as Texas University established?

In its second decision the Court slapped the University of Oklahoma which was forced to admit a Negro student, but partitioned him off from white students. The Court rightly held that this particular act of discrimination violated the Constitutional guarantee of equal protection of the laws. The tragedy is that a university professing to spread enlightenment, should cling to such an addleheaded and obviously neurotic attitude, all the way to the Supreme Court. No wonder our college graduates in the United States "don't know from nothin'"—look at their teachers.

This ruling shows that Arkansas, which also used a partition around its Negro students in the classroom, correctly judged the direction of the times in removing its tions.

In its third decision the Court outlawed discrimination on railroad dining cars, long a symbol of the South's underhanded victory in the Civil War. That is, although the North won on the battlefield, the South eventually contaminated the victors with its battlecry.

Southerners shall probably object most bitterly to this decision for it means that "Freedom Trains" shall roll through their benighted land, showing an example of how adults travel without going into epileptic fits every time they see someone of another race or color.

This is the kind of thing the South has fought as bitterly as it fought the Northern Army. And it is readily understandable for jim crow depends upon a vast ignorance if it is to be maintained. Every example of human beings living without the stupidities of color etiquette, undermines the South's most sacred principal of religion and government.

It is to be regretted that the Court did not see fit to rule on the doctrine of "separate but equal." It has always been difficult to prove that "equal" and jim crowed facilities were in fact and by nature, a violation of the Bill of Rights. Lawyers are puzzled over this point because it falls into the realm of morality and attitudes.

A people who believe in democracy have no conception nor use for the doctrine of "separate but equal." It may well be that this last legal fortress of bigotry and organized prejudice can be dissolved only by political and moral weapons which cannot be perfected until America is much farther on the road to freedom.

One word of caution should be sounded however. Past experience has shown that every atempt shall be made by some states, including Missouri, to evade the ruling of the Supreme Court. For this reason, eternal vigilance remains the price of securing what has been gained as well as the first requirement for gaining a democratic society.

Our Opinions

The Supreme Court Decisions

IT IS LEGENDARY that a drowning man will grab at any straw in an effort to save himself.

As a result of the three Supreme Court decisions last week involving the issue of racial segregation, it is clear that those Americans who demand Jim Crowism as a way of life are sure to drown. They are, true to form, grabbing at a straw. In this instance the straw happens to be the fact that the high court did not specifically abolish the "separate but equal" doctrine.

While we would have preferred the outright repudiation of the "separate but equal" theory which has created so much misery in our society, we are mindful of the fact that there is more than one way to skin a cat.

If the learned justices wish to skin the cat of Jim Crow a little at a time instead of ending the business with one dramatic flourish, our enjoyment of full citizenship may be delayed but it will not be denied.

The letter of the decisions leave much to be desired, but the spirit of the rulings, which were made without dissent, is certainly on the side of the angels.

Some measure of the significance of the three decisions last week can be gleaned from the comment coming from the South. The most defiant statement came from an expected quarter, Governor Herman Talmadge of Georgia.

Said he: "As long as I am Governor, Negroes will not be admitted to white schools. The line is drawn. The threats that have been held over the head of the South for four years are now pointed like a dagger ready to be plunged into the very heart of Southern tradition."

The Atlanta Constitution which also speaks for Georgians stated that "It is important the people realize the decisions are not extreme but conservative, affirming only what the law has been all along . . . the Texas decision was not unexpected. It ought to serve as a warning to Georgia and the South that educational facilities must be really equal."

Commenting on the decision outlawing Jim Crow in railroad dining cars, the Constitution stated: "The decision will lend encouragement to the Klan and will provide some ill-feeling. Actually, it will bring about no friction save from those looking for it."

The officials of Texas and Oklahoma took the rulings of the court with becoming grace. The University of Texas immediately accepted two Negro students and officials of the University of Oklahoma conceded that Jim Crow was automatically out.

The valiant efforts of the legal staff of the National Association for the Advancement of Colored People, the work of the American Council on Human Rights, the arguments made by the Department of Justice, all have contributed to a magnificent legal victory. It is clear as the Justice Department contended, "the notion that separate but equal facilities satisfy constitutional and statutory prohibitions against discrimination is obsolete."

We cannot overestimate the importance of the aid given our cause by the Department of Justice which broke precedent in championing the civil rights program of the Truman administration by intervening in these cases before the Supreme Court.

Lawyers may differ on how far reaching these decisions may prove to be, but we are convinced that the Supreme Court has given our fight for full citizenship such impetus that no opposition, however great, can long endure.

The protagonists of Jim Crow in American life are faced today with an array of democratic might more powerful and determined than the forces of Grant at Richmond in those dark days of our young republic when our forefathers were called upon to decide the course of American history.

It was freedom then and it is freedom now.

Talmadge Shouts His Defiance Of Supreme Court's Decision

ATLANTA, June 5—(AP)—Governor Talmadge, of Georgia, shouted defiance today in first Southern reaction to Supreme Court decisions hitting at racial segregation.

Others hailed the opinions as putting the South "in the parade of democracy."

The court ruled that a Negro law student must be admitted to the all-white University of Texas because separate facilities for Negroes there are not equal.

It said white and Negro students in graduate work at the University of Oklahoma cannot be separated. And it ruled out racial segregation on railroad dining cars.

Declared Talmadge: "As long as I am Governor, Negroes will not be admitted to white schools.

"The line is drawn. The threats that have been held over the head of the South for four years are now pointed like a dagger ready to be plunged into the very heart of Southern tradition."

Talmadge declined to say what he will do if courts order specifically an end of segregation in Georgia.

W A Fowlkes, managing editor of the Atlanta Daily World, Negro newspaper, said the decisions "certainly will be a means by which the South will join in the parade of democracy."

And George Mitchell, director of the Southern Regional Council, said, "The Supreme Court made it perfectly clear that unequal facilities are illegal. It remains the South's duty to provide equality. The right way to do that will be for our institutions of higher learning to welcome qualified Negroes who seek admittance."

The council is an interracial organization of Southerners formed to promote equal opportunities.

The decisions found the South with many glaring educational inequalities. Not a single Southern State supports a Negro medical school. A Ph D. degree is not available at any Southern Negro university.

Charles Harper, secretary of the Georgia Negro Education Association, said the decision means "the State will have to provide equality or integrate Negroes into white schools." He called for a special session of the Georgia Legislature to finance Negro school improvements.

Six court suits already are pending in Florida for admission of Negroes to various professional and graduate schools of the all-white University of Florida. Two suits are pending in Georgia demanding equality in public schools.

Thomas D. Bailey, Florida superintendent of public instruction, said, "The ramifications of those decisions are of such vital nature it's difficult for me to foresee the results."

J. M. Smith, Tennessee commissioner of education and president of Memphis State College, said, "The particular instances cited in this case are not applicable to Tennessee recause (1) We have an excellent Negro State college; (2) Therefore no Negroes have been admitted to the university."

Former Governor Millard Caldwell, chairman of the board for Southern Regional Education, said the decision will not affect that program. The board supervises a plan under which Southern States which do not meet the needs white or Negro students help pay their tuition to out-of-State schools.

In a Maryland case, a State court already has held that sending Negroes to out-of-State schools does not solve the problem. It held that equal facilities must be provided within each State.

Talmadge Defies Court

ATLANTA, June 5 (UP). — Governor Herman Talmadge defied the United States Supreme Court today by asserting that "as long as I am your Governor, Negroes will not be admitted to white schools."

Governor Talmadge issued a bitter statement on the high court's ruling against segregation at the Universities of Texas and Oklahoma and in railway dining cars.

"The line is drawn," said the thirty-seven-year-old son of the late Eugene Talmadge, who has carried on his father's fight to uphold the southern traditions of segregation.

"The threats that have been held over the head of the South for four years are now pointed like a deadly dagger ready to be plunged into the heart of Southern traditions."

Governor Talmadge, who will run for a new four-year term in the Georgia primary June 28 against former Acting Governor M. E. Thompson, said: "I know that my opposition is jubilant about these decisions."

"They have run hand in glove with this F. E. P. C. anti-segregation, pro-'civil rights' crowd who seek to destroy everything we hold dear," Governor Talmadge said. "I do not consider that these decisions affect Georgia segregation laws," he said. "As long as I am your Governor, Negroes will not be admitted to white schools."

Talmadge Defies Ruling On Racial Segregation

ATLANTA, June 5—(AP)—Gov. Herman Talmadge of Georgia shouted defiance Monday in first Southern reaction to Supreme Court decisions hitting at racial segregation. Gov. Folsom had 'no comment.'

Others hailed the opinions as putting the South "in the parade of Democracy."

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TALMADGE DEFIANT, OTHERS HAIL COURT

Georgian Declares 'as Long as I Am Governor,' White Schools Will Bar Negroes

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"South's Duty" Cited

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Georgia Demos Defy Rulings On Segregation

MACON, GA., Aug. 9—(AP)—Georgia Democratic chieftains pledged Wednesday to go to jail before bowing to U. S. Supreme Court decisions against racial segregation.

With whoops and yells, more than 5,000 delegates to the state Democratic convention unanimously adopted a resolution openly defying the court.

They also called for state legislation outlawing the Communist Party in Georgia and shouted endorsement of a party platform tied to a huge expansion of funds for schools, roads, health and old age pensions.

Neither the platform nor Governor Herman Talmadge, accepting renomination to a new four-year term, hinted what taxes would be levied to raise an estimated additional $50,000,000.

The resolution pledged all state officials to fight "with all the resources of the state" to preserve racial segregation in schools and colleges "(court) decisions to the contrary notwithstanding."

It declared recent rulings, out-

Asked what would happen if courts ordered an end to segregation in this state, Convention Floor Leader Roy Harris of Augusta said:

"We will go to jail before we will let whites and Negroes go to school together."

Segregation Constitution Rule Hit at Convention

Atlanta, Ga. 8-10-50

By M. L. ST. JOHN
Constitution Staff Writer

MACON, Aug. 9—The State Democratic chieftains Wednesday pledged to go to jail before bowing to U. S. Supreme Court decisions against racial segregation and, in a surprise move, decided an election contest against an "inner-circle" Talmadge leader. Other action included a blast at "monopolistic" newspapers.

Amidst whoops and yells, more than 5,000 delegates to the State Democratic Convention unanimously adopted the segregation resolution, openly defying the court.

The resolution pledged all state officials to fight "with all the resources of the State" to preserve racial segregation in schools and colleges "(court) decisions to the contrary notwithstanding."

It declared recent rulings, outlawing segregation in Texas and Oklahoma State universities, are not binding in Georgia.

Roy Harris, of Augusta, Convention floor leader, said, "We will go to jail before we will let whites and Negroes go to school together."

Charles Bloch, Macon attorney and another convention leader, said, "They might put somebody in jail for a little while but they couldn't keep them there."

The contests committee ruled that Andrew Tuten, of Alma, close friend of Gov. Herman Talmadge, was not the state senatorial nominee from his district. It ruled in favor of Dorsey Dean, of Alma, who claimed to be a Talmadge supporter but who was not close to the Governor.

In another surprise, the committee declared vacant the Democratic Executive Committee seat in Decatur. Dr. W. O. Stubbs was challenging Walter Parris' right to hold the office. The committee said its action was taken because of a printer's error on the ballot. Stubbs had charged that some ballots failed to say "Vote for One."

State Chairman James Peters will appoint someone to fill the vacancy.

The committee upheld Judge Mel Price, of Ludowici, as the nominee for the Atlantic Circuit Superior Court. J. P. Dukes had challenged Price's nomination, charging Negroes voted illegally.

A Democratic committee post from Early County was vacated as the committee upheld a challenge that "no election" was held.

The committee rejected Wyman Lowe's challenge of Rep. James Davis' nomination as Fifth District Congressman. In other actions, it ordered a recount of one precinct in the Chattooga county commissioner's race; denied the challenge of a Democratic executive committeewoman in Union county, and denied Charles McWhorter's challenge of Rep. Julian Bennett's nomination in Barrow county.

Gov. Talmadge's appeal for harmony and co-operation of the people during his next administration was in contrast to the fighting keynote speech by Democratic National Committeeman Robert Elliott in blasting newspapers.

The Governor urged convention delegates and the people of Georgia to write their Senators and Representatives and him their suggestions on legislation needed to improve their State. He said tax revision will be necessary to finance health, welfare, education and highway expansion—adding that "this program must work the least hardship on the masses of our people."

Talmadge asked for state-wide unity to "strengthen our moral and physical defenses."

Lt. Gov. Marvin Griffin, accepting renomination, appealed for harmony. Said Griffin:

"Now that the smoke of political battle has cleared away, let us unite all factions of the Democratic Party into a solid front for prompting a better State in which to live. I am willing to let bygones be bygones and do my share—let there be unity of purpose."

Griffin said that nomination by the Democratic Party has long been "tantamount to election, but it may not always be."

"The Republicans are not strong enough to challenge the Democrats in Georgia. The danger comes from those who call themselves Democrats, but who are as foreign in principle to our conception of democracy as the catbird is to the melodious singing Georgia mockingbird," the Lieutenant Governor said.

The Convention adopted a platform which was patterned after the Governor's speech and the platform on which he was chosen in the primary.

Elliott criticized the "carpetbag press which has invaded Georgia to tear down Georgia's way of life." He hit at "foreign-owned" newspapers of Atlanta, Macon and Columbus for "taking advantage of the freedom of the press" in order to "print propaganda" and "take control of our government." He said all Georgia asks is the publication of unbiased, accurate news and for the newspapers to "deal honestly with the people."

A "monopolistic" press is a danger to democracy, Elliott declared.

The cheering delegates who filled the City Auditorium enthusiastically adopted resolutions denouncing "monopolistic" newspapers and calling upon Georgia Democrats to resist these papers' attempts to take control of the government.

Three former Governors—John Slaton, Clifford Walker and E. D. Rivers—were on the platform.

The Convention formally nominated Sen. George, Gov. Talmadge, Lt. Gov. Marvin Griffin and Statehouse officers.

Former Gov. Rivers was a bit flustered by a reference by Speaker Fred Hand, of Pelham, as Hand nominated Gov. Talmadge.

Hand listed all the Governors of recent years, including Rivers, and called Talmadge the greatest of them all.

Rivers hesitated a moment as the delegates applauded loudly, then smiled and joined in the hand clapping.

12d 1950

SUPREME COURT

Cases
Elmer W.Henderson
G.W.McLaurin
Heman Marion Sweatt

CROWD ON HAND FOR HEARINGS

By-William G.Nunn.

Washington-"Equal Justice Under Law". That is the sign on the facade of the U.S. Supreme Court Building here in the nation's capital. That will be the thinking of

A battery of five Courier men covered the Henderson, McLaurin and Sweatt cases in the Supreme Court building this week. They were: William G. Nunn, managing editor; P. L. Prattis, executive editor; J. Austin Norris, Philadelphia bureau, and Robert Taylor and Stanley Roberts, Washington bureau.

nine men—the U. S. Supreme Court, which will decide some time within the next few weeks or months, whether Negroes are to become first-class citizens.

Monday and Tuesday of this week, in a tightly packed courtroom and with a battery of nationally famous lawyers in attendance, arguments were presented to the high court—arguments intended to wipe out by one decision, segregation in every form—from our American way of life. Associate Justice Tom Clark of Texas, former Attorney General of the United States, excused himself from the bench Monday when Attorney General J. Howard McGrath presented the case of Elmer Henderson against the Southern Railroad.

McGrath argued that the effort of the railroad to force Henderson to eat behind a "separate but equal" curtain was discriminatory.

Clark was Attorney General when the Henderson case reached the Interstate Commerce Commission and the U. S. courts. This may have been his reason for quitting the bench when the case came up for argument.

Another reason may probably have been that Clark, being from Texas, would have felt impelled to take a position against Henderson and thereby against the administration, which is backing Henderson by way of the Attorney General's office. Clark's absence from the bench may therefore give greater assurance of a decision in favor of Henderson.

Attorney General McGrath was followed Monday by Solicitor General Philip B. Perleman. Significantly enough, seven Negro lawyers were admitted to practice before the Supreme Court just before hearing on the three cases began.

The three cases serving as a springboard for Supreme Court action are:

1. Elmer W.Henderson v.U.S. of America Interstate Commerce Commission and Southern Railway Company appellees.
2. G.W. McLaurin v. appellant Oklahoma State Regions for Higher Education, Board of Regions of University of Okla., et al.
3. Heman Marion Sweatt v. Theophilus Shickel, Painter, et al.

The fundamental issue in all these cases was the same. The issue was and is; whether segregation, per se, is a violation of the Fifth and Fourteenth Amendments to the Constitution and is therefore illegal.

The Henderson case was the first argued. This case reached the court after an unfavorable ruling by the Interstate Commerce Commission. The facts appeared to be that Henderson, a Negro, was proceeding from Washington, D.C. to Birmingham, Ala., by train and sought dining car service in the state of Virginia. At the time Henderson first requested service, there were two seats vacant at the two tables reserved for Negroes which were separated by a curtain from the rest of the diners. The other seats in the Negro section of the diner were occupied by whites. The steward refused to permit Henderson to sit in section of the diner reserved for Negroes, because to do so would have had him sitting at the same table with whites. As a result he was never seated.

THE INTERSTATE Commerce Commission was directed by the Federal District Court to rule that segregation, per se, was not discriminatory and illegal, so long as tables were reserved exclusively for Negroes. This the Southern Railway promised to do in the future. The table usually reserved for Negroes is next to the kitchen opposite the steward's office.

In the Supreme Court, Henderson raised the following legal questions:

1. Whether an Interstate carrier regulation requiring segregation of passengers solely on account of race or color violates the Interstate Commerce Act.
2. Whether failure of the Commission to declare the regulation unlawful and to forbid its enforcement in the future and dismissal of complaint by the commission and court below:

See other side

(a) Violates the Fifth Amendment to the Constitution, and,
(b) Are contrary to the National Transportation policy of the U.S. and are contrary to the public policy of the U.S.

3. Whether segregation solely according to race is discrimination, in violation of the Interstate Commerce Act and the Constitution of the U.S.

Chief argument in this case was made by Belford V. Lawson, Jr., President of the National Negro Bar Association. Lawyers appearing for Henderson were Jawn Sandifer, Marjorie M. McKenzie, Sydney A, Jones, Jr., Earl B. Dickerson, Josiah F. Henry, Jr., Charlotte R. Pinkett, Aubrey E. Robinson, Jr., Edward W. Brooks, William M. McClain, Theodore M. Berry and George Windsor.

SECOND CASE to be heard was that of G.W. McLaurin, The facts in this case were that McLaurin, a resident of Okla., sought admission to the Univ., of Okla., School of Law. After legal proceedings, he was admitted, but was seated in a separate room from the rest of the white students. McLaurin was forced to sit outside of the classroom behind a separate partition which separeted him from his white classmates. It is this segregation and discrimination that McLaurin asks the court to determine.

Attorneys in the McLaurin case are Thurgood Marshall, who presented the chief argument; Robert L. Carter, Amos T. Hall, Jack Greenberg, Constance B. Motley, Frank D. Reeves and Annette H. Peyser.

WHEN THE SUPREME Court heard the arguments in the newest presentation of the Heman Marion Sweatt case, it faced the task of making a decision which will- probably, once and for all time-settle the question of whether a state can set up a separate institution with facilities "equal" to those already existing at another school, doing this for the sole and express purpose of keeping the students separated racially.

The attorneys in the Sweatt case are Thomas I. Emerson, John P. Frank, Alexander H. Frey, Irwin B. Griswold, Robert Hale, Harold Havighurst, Edward Levi, Robert L. Carter, W.J. Durham, William H. Ming, Jr., James M. Nebrit, U. Simpson Tate and Franklin H. Williams.

Courier
Sat. 4-8-50
Pittsburgh, Pa.

SEGREGATION AND DISCRIMINATION

Informer Dat. 7-8-50
Houston Tex

Sees Court's Decisions as Evidence The Fight To Lick South's Twin Evils Is Nearly Done

By CARTER WESLEY

Attorney General Price Daniel was quoted on two different occasions, first in an interview to the press, and later in a radio address, as saying that the Supreme Court had refused to knock out segregation. The statements ascribed to the attorney general are grossly inadequate, and it is being kind to say that they represent the attorney general as being very careless in reporting on the Supreme Court's finding in the Sweatt case.

The Supreme Court merely declined to consider the question as to whether segregation was or was not constitutional. The court went to great pains in its decision to state that it was not passing upon the constitutionality of segregation at all, and was purposely declining to touch it in the case, restricting itself to the other question as to Sweatt's rights under the Texas provisions of segregation. When the attorney general says that the Supreme Court's refraining from discussing the question at all automatically meant that it had . d to k segregation down, logically he means that he thinks that if they had discussed the question of segregation, they would have knocked it down; therefore, since they did not discuss it, he reports that they refused to knock it down.

Price Daniel reminds me of a man who has an argument with a second party, when the second party tries to get a bystander to settle one of the questions in the argument, and the bystander refuses to pass on the question submitted at all; according to Price Daniel's light, the bystander's refusal to pass on the question justifies him in saying the bystander has decided the question in Price Daniel's favor; for of a surety the only thing the Supreme Court did on the question of knocking out segregation was to refuse to pass on it in any way, shape, fashion or form, or to consider it.

Even so, if the Supreme Court refused to pass upon segregation, it none the less well-nigh finished ruining segregation as a way of life for Dixiecrats, demagogues and descendants of the old southern colonels. For one to fully appreciate what the Supreme Court's decisions in those three cases did to segregation, one must have a clear understanding of what segregation in practice has actually meant to the South.

It is necessary to understand that separation or segregation was merely the plausible ground used by the South to get the right to legalize inequalities between the races, and to permit injustices upon the Negro. There is not a single segregated relationship that is not unequal and discriminatory anywhere in the South. It will be a good experience for the reader to stop and try to think of some segregated pattern that is equal, let him run through the railroad, let him run through busses, let him run through parks, let him run through schools or any other thing that is segregated, and see if he can find anywhere that there is equality. So where the white man of the South has talked about segregation, he has meant discrimination.

He will accept a maid in his parks, in his dining room, in in the sleeper with his family, as long as she has a cap on and wears a badge of inferiority, but he will go crazy if he walks into the diner and finds a Negro having dinner the same as any other man. For the white man segregation means an inferior place for the Negro, it means that the Negro will be cheated of his educational funds, of his rights to the parks, of fair drainage, sewerage, paving and all of the things that make up life. Now if we understand what segregation really means, we are ready to go back and see what the Supreme Court's decisions in those three cases really did to segregation.

In all three of these cases the Supreme Court is saying over and over to the South: "You cannot use segregation as an excuse to discriminate and cheat the Negro out of equal facilities, where you attempt it we will order the Negro into that part of your life set aside for whites." Those three decisions are the culmination of a line and trend of thinking that has been coming through for the last 10 to 15 years in American judicial and official life. The decisions end up this trend by finally cutting all of the remaining insides out of segregation, so that it is actually merely a hollow log or a big tree whose heart has been eaten away by the rodents, time and decay; for if the South can't use segregation to go on building up great advantages for the whites to the disadvantage of Negroes, then segregation won't mean much to the whites. Put it the other wa, if the South has got now to build for Negroes equal facilities to those they have for whites, in most instances they've got an impossible, miserable, discouraging task in front of them. Segregation in the future will be a millstone around their necks, instead of the great benefit and blessing they have counted it in the past.

THE RECORD

Let's take a glance at the record just from memory. The following are restrictions on segregation that have been building up through court decisions over the last 10 to 15 years.

There was the "grandfather clause" knocked out in the Oklahoma decision, giving Negroes the right to register in the Democratic party.

There was the bar against Negroes in the Democratic primary knocked out in Texas, making all Negroes eligible to vote in the Democratic party in the South. The trend goes on through these Jaybirds and special clubs being set back on their heels on the basis of the Democratic primary decision, as was recently done in Fort Bend County.

Then there were the decisions making it mandatory that Negroes be accepted on petit juries without discrimination, or put the other way, that the South had to stop excluding Negroes from petit jury service.

Following that there was the decision that Negroes must be included on grand juries. More recently the Supreme Court has held that fixing one member as the total that can serve on any grand jury is also unconstitutional and must stop.

Then the matter of building Negroes by holding them incommunicado from their lawyers, friends and others, until they could force Negroes to confess to crimes was frowned upon, and it is the rule now that they must be permitted to see their lawyers and their friends within a reasonable time, or any confession or conviction will be upset. In this connection, confessions today have to be proven by the state, and they are not accepted on their face.

Then there was the Mitchell decision, in which the South was compelled to furnish first-class transportation to Negroes in interstate travel.

Then there was the Gaines decision, the leading case requiring the South to furnish equal educational facilities within the state to Negroes. Not only was this the forerunner of the Sweatt case, but it has been the basis for the equalization of pay and for practically all of the other improvement in educational facilities. That decision put a terrible crimp in the South's practice of segregation.

Under it most of the larger cities in the South have equalized pay of Negro teachers with that of whites, and the fight goes on with hardly a setback to Negroes who fight for equalization of pay. Also, it has been held that the South cannot transfer Negro children from one district to another, if it furnishes in the district full educational training for whites.

That brings us up to the Sweatt case, which in plain words penalizes the South for its failure to furnish equal educational facilities for Negroes on the graduate level, by propelling Sweatt directly into the school built up over the years for whites. So far as the graduate level is concerned.

NEGRO PRESS

the effect of the decision was to knock segregation flat.

If any doubt remains that this is true, it is only necessary then to suggest the McLaurin case as rebuttal; for they here provide that not only shall the Negro get into the white school on the graduate level, in cases where the South has neglected to furnish adequate, equal facilities for Negroes in the state, but deny the state the right to separate, segregate or to put any restrictions upon the Negro who is permitted to go into the white school.

If it is true that the South has been using segregation primarily to discriminate and to cheat the Negro, and to put him into inferior circumstances, then the decisions that have been coming along in the last 15 years have been cutting the heart out of segregation in education. to the extent that more and more the South is only keeping he hollowed-out tree of naked separation, as fast as Negroes can fight to make them equalize they are having to do it in conformity with the decisions of the Supreme Court. An analysis of segregation, as it has been practiced since emancipation, will show that separation was not the boon that the South prized, but the ability to use the separation as an excuse for discrimination and abuse of Negroes was really th boon. The trend of decisions decided above has knocked the real boon of segregation out of the hands of the South.

GOVERNMENT ASSAULTS

Now, let's have a look at what's been happening to segregation under the provisions and acts of the government.

The most fundamentally important one, I think was the Wagner act, passed in th middle '30's. This act brought the Negro worker into the industrial, political and civil life of the South. The Wagner act not only made it possible, but made it mandatory that the poor whites and the Negroes of the South be organized in common unions. This association in work brought out at they had the same political interests, and caused the men and the unions to work for the enfranchisement of all of the workers, white and black.

The interest of the union is antagonistic to the whites' glorious tradition of segregation and abuse of the Negro. As the unions become more powerful the fragmentation of southern position and southern effort becomes more obvious.

Government orders and policies have opened practically all of the cafeterias, facilities and jobs to Negroes in Washington. Here, to a less extent but on an increasing basis, the same thing is taking place in all government-controlled agencies throughout the country.

The President's directives and orders have effected integration in all of the military services for all practical purposes.

EATING ITSELF

It is interesting to note that the South has been itself working against its pattern of discrimination in segregation. When Arkansas voluntarily lets a Negro girl into its medical school, with the acquiescence and acceptive attitude of students and faculty, the South loses one of its best arguments against integration; for the South can no longer sa that by mixing Negroes and Whites blood will flow.

Texas, at the same time it is **fighting bitterly the Sweatt case, has admitted a Negro into the medical school without any repercussions and with complete acceptance on the part of the students and faculty. How can Texas expect to make the Supreme Court believe that there will be any serious repercussions when Sweatt goes into the law school, with Barnett already in the medical school working shoulder-to-shoulder with his classmates with harmony and** peace?

Kentucky repealed the Day law, which required segregation in educational fields. Immediately the Negro is accepted in private schools, in the Catholic schools, and in the municipally-owned schools, and in the state university, in hordes.

Maryland ruled that the state could not send a Negro nurse to Meharry, an out-of-state institution, as long as it was furnishing nursing training for white girls in

Maryland, thus the South struck a blow at regionalism, which so many of the educators had been hoping to use as a means of avoiding the awful cost of equalizing educational facilities.

Unquestionably Maryland, West Virginia, Kentucky, Arkansas, Texas and Oklahoma have committed the South to integration in education.

THE SAME THING

The attorney general reminds me again of the fellow in the dice game who jumped on the little runt, and after the runt had gotten to his razor and made a whack at him, said, "A-a-ah, you missed me!" The little runt, calmly wiping his razor, nonchalantly told him, "Shake your head, you so-and-so!" When the guy shook his head it fell off. Price Daniel is around shouting to the people that the Supreme Court did not knock out segregation, I am telling him to shake his head.

Statistics show that there are more southern white boys in the army than there are boys from any other section. But when these boys come home now from the Army, they will have been face to face with integration with Negroes, and they will not appreciate the discriminations and abuses that the South has used in segregation.

The masses of people who work in the South are in unions today, and are used to working side by side with Negroes and fighting shoulder-to-shoulder with Negroes on common causes, and they are not likely to see eye-to-eye with the Dixiecrats.

The students now who go away to college will see Negroes at school along with whites, and they are not likely to return home with much respect for the cheating and discrimination that has gone on in the past.

With every act in this pattern of segregation under the merciless spotlight of publicity today, and with the Supreme Court's unyielding interpretation of the constitutional provisions, the South holds an empty fort, infected by a deadly plague of more and more and more and more money that will bleed the South to death.

When the history of this period is written, the South will seem very ridiculous for not recognizing that it only has husks left. The South is reduced today to bragging because the Supreme Court has not yet knocked down segregation as unconstitutional when by the same act of omission the Supreme Court has well-nigh ruined the South in what it did rule.

But misery of miseries! A Texas federal judge has ruled that the South can't shuttle Negro children from one district to another, as long as it furnishes education for white children in the particular district. We pointed out back in the war, when this question of segregation got on the radio, in the newspapers, in the magazines, and the President's Order, that the South had lost its fight to preserve segregation as it had known it for 75 years.

CALM NEGROES

Negroes for the most part are calm and should be. The war over segregation has really been won, and it is now merely a question of how soon the South will realize that they have lost. The demagogues will rant, they will call names, and they will resort sometimes to violence, but Negroes should plod calmly on, knowing that the victory will be theirs. It would be the part of wisdom to refuse to argue or to answer any epithets or any challenges with words; the thing to do now is to study the best places

12d 1950

SUPREME COURT

SEGREGATED EDUCATION
DINING CARS- INTERSTATE COMMERCE

NEGRO PRESS

The Supreme Court Decisions

Three decisions last Monday by the United States Supreme Court eliminated, on a limited scope, the injury inflicted by the fifty-four year old "Separate But Equal" doctrine.

In a case involving racial separation on dining cars, the Supreme Court ruled that the rules setting up segregation curtains were illegal. These rules grew out of the doctrine of "Separate But Equal." The court seemed to have made sterile this innocuous doctrine without striking it down in body. Sofar as interstate railroad travel is concerned only the corpse of this doctrine seems to stand.

In the Texas Case the Court found that the all-Negro University erected at Austin fell short of measuring up to the equality due the petitioner under the meaning of the Fourteenth Amendment. Chief Justice Vinson, speaking for the Court, said the Court neither agreed that the "Separate But Equal" doctrine required that it uphold the barring of Negroes from the law school nor that the doctrine needed to be examined "in the light of contemporary knowledge respecting the purposes of the Fourteenth Amendment and the effects of racial segregation." In putting it that way the Court might have boxed in this doctrine or rendered it inoperative in higher education.

Chief Justice Vinson wrote the decisions in both of the education cases in which all of the eight associate members agreed with his reasoning. The sweep, if not the scope, of the decisions; the sharpness of their language; the implications of the effect, at least for the moment seem to be a great step forward.

The court not only rejected the idea that the Jim Crow Texas law school was substantially equal but went on to add:

"Moreover, although the law is a highly learned profession, we are well aware that it is an intense practical one. The law school, the proving ground for legal learning and practice, cannot be effective in isolation from the individuals and institutions with which the law interacts."

It seems that the court says that a student is put to an illegal disadvantage when he cannot enroll in a law school with those "the petitioner will inevitably be dealing" when he begins to practice law.

The court had already battered down the racial laws excluding Negroes from the University of Oklahoma Law School. Now it comes back and says once a student is accepted the school cannot segregate him. Thus in a backhanded way the court in this decision seems to build a bridge over the "Separate But Equal" doctrine.

In blunt, the court has ruled on the admissability of Negroes to the state schools of higher education, saying that to do this it was not necessary for it to touch the ancient doctrine.

This is a heartening decision which will pave the way for higher education for Negroes and other minorities all over the South. It just about blots out dining car segregation and deals a heavy blow to racial discrimination in higher education.

There is no denying that the three decisions will benefit minorities. It can be expected that other test suits will be made until the doctrine of "Separate But Equal" is blotted out. The Supreme Court has dealt havoc with this doctrine in its recent decisions without outlawing it. It might keep weakening it until the doctrine is completely reversed.

Thus we rejoice in the decisions and hope that they will serve the good ends of progressive democracy. Southern states would do well to effectuate these decisions and admit students into their schools of higher education on the basis of merit without regard for race or color.

Mississippi Says She Will Keep Separate, Equal Schools

JACKSON, Miss—(ANP)— Atty. Gen. John Kyle, issuing the first public statement by a state official since the U. S. Supreme court decided against the practice of denying Negroes admission to white schools, said here Tuesday:

"Mississippi will continue to practice segregation in its public school system."

He was speaking at a convention of county school superintendents. According to him, "nature itself has created racial differences and inequalities of social culture which cannot be eliminated by a legislative act. Racial antagonism may be intensified but cannot be cured by judicial decree."

He cited a section of the Mississippi constitution which provides that "separate schools be maintained for white and colored races." He added:

"We, in Mississippi, are fully resolved to continue to apply the principle of segregation in our public schools as it has been applied heretofore and as provided for in our constitution."

Speaking of the decisions, he said, "The supreme court has held many times that the right and power of the state to regulate the method of providing for the education of its youths at public expense is clear."

ELMER W. HENDERSON
Dining Cars-Interstate Commerce

Tribunal Orders End To Diner Segregation

WASHINGTON, June 5—(AP)—dered Texas to admit a Negro student to the all-white law school of the University of Texas.

WASHINGTON, June 5—(AP)—The Supreme Court today outlawed segregation of Negroes in railroad dining cars.

By an 8-0 vote the tribunal declared such segregation violates a section of the Interstate Commerce Act which prohibits "any undue or unreasonable prejudice" to any person using the railroads.

Justice Burton wrote the court's opinion. Justice Clark took no part.

Those who voted with Burton are Chief Justice Vinson and Justices Black, Reed, Frankfurter, Douglas, Jackson and Minton.

The court was expected to rule on two other segregation cases—perhaps later in the day. They involve segregation by state universities.

The tribunal took these other actions:

* * *

GAVE THE federal government top rights over the oil-rich tidelands of the coasts of Texas and Louisiana.

Justice Douglas delivered the court's opinions in separate cases.

In the case of Texas, Justice Reed wrote a dissenting opinion in which Justice Minton joined. Justice Frankfurter wrote a separate dissent.

In the Louisiana case the vote was 7-0.

Justices Jackson and Clark took no part in either.

The government sued for the multimillion-dollar Gulf Coast oil prize after winning a similar suit in 1947 for "full dominion and power" over California tidelands.

Other actions:

Decided 6-3 that aliens imprisoned abroad by U. S. authorities lack the right to apply for court hearings in this country. The decision overturned a Circuit Court ruling here which the government fought, contending it would swamp the Federal District Court here with thousands—perhaps hundreds of thousands—of similar cases.

Upheld 6-2 the validity of a patent licensing agreement which calls for royalty payments whether the patents are used or not. The high tribunal rejected government arguments that the agreement should be overturned. The case involved an arrangement under which Hazeltine Research, Inc.—one of the largest patent licensors in the radio apparatus field—claimed royalties from Automatic Radio Manufacturing Company, Inc.

Ruled 5-4 the U. S. must pay damages to a farm owner whose lands were damaged as a result of the building of a Mississippi River dam 25 miles away, near St. Charles, Mo.

Held in a 9,000-word opinion that the government also must pay damages to six land owners who claimed losses resulted from building of the Friant Dam on the San Joaquin River in California.

THE DINING CAR decision was on an appeal by Elmer W. Henderson, a Washington Negro. While serving as a field representative of the president's committee on fair employment practices in 1942 he made a railroad trip to Birmingham. Henderson protested he was unable to get a meal on a Southern Railway Company diner.

Southern railroads later adopted a policy of setting aside a table or two for Negroes in dining cars. These tables are separated from others in the cars by partitions or curtains. Henderson, however, pressed his fight against any segregation. He is now a director of the American Council of Human Rights.

The new dining car policy was approved by the Interstate Commerce Commission. When Henderson took his fight to the Supreme Court, the commission defended its action, but the Justice Department opposed it.

The department insisted "the notion that separate but equal facilities satisfy constitutional and statutory prohibitions against discrimination is obsolete."

* * *

AGREEING, JUSTICE BURTON said today "The right to be free from unreasonable discriminations belongs to each particular person.

"Where a dining car is available to passengers holding tickets entitling them to use it, each such passenger is equally entitled to its facilities in accordance with reasonable regulations."

Burton added:

"The denial of dining service to any passenger by the (railroad) rules before us subjects him to a prohibited disadvantage.

"Under the rules, only four Negro passengers may be served at one time and then only at the table reserved for Negroes. Other Negroes who present themselves are compelled to await a vacancy at that table, although there may be many vacancies elsewhere in the diner.

"The railroad thus refuses to extend to those passengers the use of its existing and unoccupied facilities. The rules (of the railroads) impose a like deprivation upon white passengers whenever more than 40 of them seek to be served at the same time and the table reserved for Negroes is vacant."

Court Bans Jim Crow on RR Diners

By STANLEY ROBERTS
(Courier Washington Bureau)

WASHINGTON, D. C.—Railroads in the Southern states have been ordered to take down jim-crow curtains and partitions and to cease reserving tables or seats because of race on dining cars traveling in interstate commerce.

Under a unanimous Supreme Court decision here Monday at noon, the judgment of a U. S. District Court was reversed and the Interstate Commerce Commission has been ordered to conform with Monday's Supreme Court decision in the epochal Elmer W. Henderson v. Southern Railways Company case.

The Supreme Court, in the Henderson case did not touch the separate, but equal doctrine. It refused to consider the constitutional implications of the case as had been hoped by Negro attorneys who argued the issue.

"Since the Interstate Commerce Act invalidates the rules, we do not reach the constitutional or other issues suggested," said Justice Burton, who read the decision.

While traveling from Washington, D. C., en route to Birmingham, Ala., aboard a train of the Southern Railway in May 1942, Elmer W. Henderson of Washington, director of the National Council for a Permanent FEPC, was refused service in the dining car of the train on which he was riding.

Mr. Henderson filed a complaint with the Interstate Commerce Commission alleging that the railroad had unjustly discriminated against him by failing to furnish him with dining car service equal to that furnished white passengers.

At the time of the incident, the railroad had an operational policy of reserving seats for Negroes behind the traditional "curtain," but when Mr. Henderson sought services these seats were occupied by whites. He was refused service although other seats were available.

The ICC dismissed Mr. Henderson's complaint on the grounds that the Southern Railway's setting aside of a segregated "stall" consisting of one table behind a curtain was adequate and no further order was needed.

It was at this point that the Alpha Phi Alpha Fraternity entered the case and through Atty. Belford V. Lawson of Washington, Alpha president, a suit was filed in Marvland District Court to have the ICC findings set aside.

That court held that "substantial equality" was denied colored passengers by the regulations of the railroad company and remanded the case to the ICC for further hearings. Only actual result of this was an order by the carrier forbidding whites to occupy the seats in the Negro section of their dining cars.

Mr. Lawson then filed exceptions and carried the case to the U. S. Supreme Court on the basic principle that "separate but equal" is not "equal." The U. S. Government, through Solicitor General Philip B. Perlman entered the case on behalf of Mr. Henderson asking the high court to rule in favor of Mr. Henderson.

The Supreme Court said that Henderson had a perfect right to bring the case to court, having been subjected to practices of the railroad which the lower court had found to violate the Interstate Commerce Act.

Significantly the court pointed out that the decision in this case was largely controlled by the Congressman Mitchell v. United States case. The Supreme Court had originally held that Congressman Mitchell had been subjected to an unreasonable disadvantage in violation of the Interstate Commerce Commission Act.

"The similarity between that case," said Judge Burton, "and the Henderson case is inescapable. Henderson was denied a seat in the dining car although at least one seat was vacant and would have been available to him under the existing rules if he had been white. The issue before us, as in the Mitchell case, is whether the railroad's current rules and practices cause passengers to be subjected to undue or unreasonable prejudice or disadvantage in violation of the act.

"We find that they do."

The court went on to say that the right to be free from unreasonable discrimination belongs, under the Interstate Commerce Act, to each particular person "where a dining car is available to passengers holding tickets entitling them to use it, each such passenger is equally entitled to its facilities in accordance with reasonable regulations. The denial of dining service to any such passenger by the rules before us subjects him to a prohibited disadvantage.

The court said that it did not need to multiply instances in which these rules sanction unreasonable discrimination. "The curtains, partitions, and signs emphasize the artificialities of a difference in treatment which serves only to call attention to a racial classification of passengers holding identical tickets and using the same public dining facilities." In conclusion, the Supreme Court reversed the decision of the District Court and the cause is remanded to that court with directions to set aside the order of the Interstate Commerce Commission which dismissed the original complaint and to remand the case to that Commission for further proceedings in conformity with the opinion.

Justice Clark took no part in the consideration or decision of this case.

BAR SEGREGATION, HIGH COURT ASKED

McGrath Requests Tribunal Reject 'Separate but Equal' Facilities for Negroes

WASHINGTON, April 3 (AP)—Attorney General J. Howard McGrath asked the Supreme Court today to outlaw segregation of the races as "a form of inequality and discrimination" that violates the Constitution.

Arguing the first of three major cases dealing with the racial issue, Mr. McGrath urged the court to strike down the fifty-four-year-old doctrine that "separate but equal" facilities for Negroes were permissible.

"Facilities segregated on the basis of race or color are not, and never can be equal in any full sense of the word," he said.

Belford V. Lawson Jr., Washington attorney, appealed to the court to hand down a clear-cut decision. A Negro himself, Mr. Lawson said "we have lived in the dark night of Jim Crow long enough."

The case was appealed to the high court by Elmer Henderson, a Washington Negro. He said that, when serving as a representative of the Fair Employment Practices Commission, he was unable to get a meal on a Southern Railway Company diner during a 1942 trip to Birmingham, Ala.

Southern railroads later adopted a policy of setting aside with curtains or ropes one or two tables for Negroes in their dining cars. Mr. Henderson, now a director of the American Council of Human Rights, pressed his fight against such segregated tables.

Approved by I. C. C.

The railroad practice was approved by the Interstate Commerce Commission. That brought the I. C. C. into opposition to the Justice Department. The I. C. C. has asked the high court to affirm its ruling.

Representative Sam Hobbs, Democrat of Alabama, also intervened, saying he did so that the request of colleagues on the House Judiciary Committee.

Mr. Hobbs argued that the House fourteen times has voted against anti-segregation bills, and he said Congress had exclusive power to regulate interstate transportation.

A decision in the segregation cases may not be forthcoming for months, but they overshadowed those on which the court acted today.

In one of those, it agreed to review the conviction of a Quaker teacher, Larry Gara, who was sentenced to serve eighteen months for advising one of his students to stand his ground in refusing to sign a draft card.

Mr. Gara is dean of men at Bluffton College, a Mennonite school at Bluffton, Ohio. The student, Charles Ray Rickert, appeared before a draft board set up under the peacetime Selective Service Act. He gave his name, address and age but refused to sign a draft card. Rickert was also sentenced to serve eighteen months.

Question Raised in Appeal

In appealing to the High Court, Gara said his conviction raised these questions:

"Can a religious leader, a dean of students, be branded a criminal for upholding a man in following his conscience * * * ? Can a devout Quaker * * * be branded a criminal for giving that moral aid to those who oppose all war and preparation for war? * * *

"The case presents sinister threats to freedom of speech and freedom of religion."

In another development, the High Court was asked to declare unconstitutional Georgia's county unit system of counting votes. The state law assigns from two to six election units to each county, and opponents contend it gives rural counties as much as 122 times more power per vote than urban counties.

The appeal was filed by a group of Georgia voters, who urged a decision before the state Democratic primary on June 28. The state administration of Gov. Herman Talmadge is expected to fight the appeal.

After hearing arguments in the railroad segregation case, the court tomorrow and Wednesday will hear two related appeals.

One of them barely got started before the court recessed. It challenges the right of the University of Oklahoma to require a Negro law student to sit apart from whites. The other challenges the right of Texas to exclude a Negro from the white law school at the University of Texas. It has set up a new law school for Negroes.

The Department of Justice has alsso intervened on behalf of Negroes in thohse cases.

12d 1950

SUPREME COURT
Stuyvesant Town Housing Project -New York, N.Y.

HIGH COURT BACKS STUYVESANT BANS

Refuses to Review New York Ruling Upholding Exclusion of Negroes as Tenants

Special to THE NEW YORK TIMES.

WASHINGTON, June 5 — The Supreme Court refused today to review the legal right of Negroes against exclusion as tenants in the $90,000,000 Stuyvesant town housing project on Ne York City's lower East Side.

Court action was taken through one of the customary, unexplained orders, to which Justices Hugo L. Black and William O. Douglas dissented. They thought that arguments and the controversy should have been granted.

Three Negro war veterans, Joseph Dorsey, Monroe Dowling and Calvin Harper, took the appeal to the Supreme Court, following a four-to-three decision against them in the New York Court of Appeals last July. Their protest was against the Stuyvesant Town Corporation and the Metropolitan Life Insurance Company, which financed the development. Stuyvesant Town includes 8,759 apartments, housing more than 25,000 persons. It is a wholly owned subsidiary of Metropolitan.

The three men challenged the Appeals Court majority ruling that the discrimination against Negroes violated neither the equal protection guarantee of the Federal Constitution nor the corresponding provision of the State Constitution.

Assert Laws Are Corrupted

They said that the project was constructed under the development companies law of New York with "public aid and participation." Further they asserted that a tax exemption of $50,000,000 over a twenty-five-year period, which made limited rents possible, was the result of a contribution by "all city taxpayers, Negroes as well as whites."

In briefs sent to the Supreme Court, lawyers for the three veterans said the case involved an attempt to "corrupt a legitimate device for sound community planning into an instrument for enforcing racial segregation."

"Urban redevelopment laws," they continued, "are being corrupted to remove unwanted minorities from building sites and to keep them out of newly built neighborhoods. The device of 'cooperation' between state and private enterprise becomes 'cooperation' to exclude Negroes."

In reply briefs, counsel for Stuyvesant Town and the Metropolitan defined the basic question as whether a private corporation, organized under the New York housing law, "has a private landlord the right to select tenants of its own choice."

Public Contribution Denied

Not one dollar of public funds has been contributed to the enterprise, this answer asserted.

Stuyvesant and Metropolitan said it was the legal duty of their directors to adopt policies protecting the safety of investments made for the benefit of policy holders.

"In performing that duty," it was stated, "the directors decided that apartments in the Stuyvesant project should not, at this time, be rented to Negroes. In managing a similar rehabilitation project in another area also financed and operated by a wholly owned subsidiary, the directors adopted a policy of accepting Negroes as tenants at Riverton. These decisions were based on business judgments which seemed at the time, with due regard for the safety of the investments, most appropriate for the operation of the two projects."

Says Fight Will Continue

Paul L. Ross, chairman of the Town and Village Tenants' Committee to End Discrimination in Stuyvesant Town said last night that the Supreme Court decision did not come as a surprise.

"It does not end the fight against discrimination in Stuyvesant Town," he added. "The tenants will continue their activities for legislation and take other measures to make it possible for Negroes to live in the Stuyvesant Town project."

The court proceedings to force the Metropolitan Life Insurance Company, owners of the project, to permit Negroes as tenants began two and a half years ago.

A NEW PORTRAIT OF THE U. S. SUPREME COURT JUSTICES 12 d

Chief Justice Fred M. Vinson and his associates pose for a photograph at the close of the term in Washington. Seated left to right are Justices Felix Frankfurter, Hugo L. Black, Mr. Vinson, Stanley F. Reed and William O. Douglas. Standing are Justices Tom C. Clark, Robert H. Jackson, Harold H. Burton and Sherman Minton.

The New York Times (Washington Bureau)

12d 1950

US District
SUPREME COURT

Louisiana State University

Court rules L. S. U. must admit Negroes

10-9-50

NEW ORLEANS, Oct. 9— (AP) — Qualified Negroes must be admitted to the law school of the Louisiana State University, a three judge U. S. Court has ruled.

Roy S. Wilson, a Negro of Ruston, had asked that the L. S. U. board of supervisors be restrained from putting into force a resolution adopted July 2 to exclude him and several other Negroes from the law school.

In an opinion written by U. S. District Judge J. Skelly Wright, the court ruled Saturday that to bar Wilson from the school "solely because of his race and color denies a right guaranteed . . . by the 14th Amendment."

The court added that to enforce the board's order, pending a final hearing, "would inflict irreparable damage" upon Wilson.

12d 1950

U.S. Supreme Court
Segregated Education

In The Nation

Two Different Bases of Segregation Briefs

By ARTHUR KROCK

WASHINGTON, April 26—Two comments on the briefs filed in the Supreme Court by the Attorneys General of twelve states in the cases which challenge segregated education sufficiently reveal the basic difference in the approach of the contending parties to the issue.

The states—Arkansas, Florida, Kentucky, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Virginia, Tennessee and Texas—which hold that the school segregation of Negroes is constitutional, offered these general arguments:

1. In *Plessy v. Ferguson, Gong Lum v. Rice* and many other decisions the Supreme Court constantly and specifically upheld the power of states to educate Negroes or any other race separately if "equal" facilities are provided.

2. That this does not violate the Fourteenth Amendment is demonstrated by the facts that both before and after its adoption segregated schools were in operation, and the Congress which proposed the amendment legislated in continuation of such schools, as did many State Legislatures.

3. In the key case (from Texas), *Sweatt v. Painter et al.*, the record does not justify the Supreme Court in going behind it to determine if the maintenance of segregated schools by Texas is "reasonable and necessary" to preserve public order. But, if the court should do this, it should give the twelve states an opportunity to present their evidence of this "reasonableness" and "necessity."

Further Points by Texas

In addition to these points, Texas argued:

1. Attendance at a public school or college is a privilege within the power of the state to extend or withhold, and not a right.

2. While the Negro law school at Texas State College may not have been "equal" to the law school of the University of Texas when Sweatt applied for admission to the latter, its equality was ordered and it is equal now. Moreover, this petitioner did not carry his plea of inequality beyond the trial court, making that part of the issue moot; also, he testified that, even if the facilities were equal, he would not attend the segregated school.

As reported in this space in the issue of April 18, the Texas brief especially made a great impression on lawyers and judges here known to this correspondent, who commented favorably on its legal presentation. That dispatch elicited responses from Prof. John P. Frank of the Yale Law School, one of 188 law professors who filed a brief in the court disputing the argument of Texas; and from Charles H. Thompson, editor of *The Journal of Negro Education*, published by Howard University.

Professor Frank's response, which was printed April 25 on this page, included a categorical denial that the Negro law school in Texas is now or was ever "equal"; argued that, from 1861 to the present day, the Supreme Court has never given "square-cut consideration" to "the validity of segregation in education," despite the numerous citations of the Attorneys General to the contrary; and contended that, segregation being "degrading" for both white and colored, the Supreme Court has a responsibility (which presumably it should meet by outlawing segregated schools) "for having acquiesced in that decision of the Eighteen Nineties *[Plessy v. Ferguson]* in this degradation of democratic life."

Mr. Thompson's Comment

Emphasizing this approach to the issue by the pathway of national policy, as contrasted with the reliance of the twelve states on wholly legal argument, Mr. Thompson made these contentions in the spring, 1950, issue of *The Journal of Negro Education*:

1. In the briefs of the states other than Texas it is "partly acknowledged" that the anti-discrimination ban in the Constitution and state laws "has not been lived up to" in the field of education. A recent estimate was that it would require $500 millions merely "to equalize Negro and white elementary school buildings" in the South alone.

2. The brief in which Professor Frank joined asserts that segregation "misses the whole purpose of a modern law school," since that system deprives the segregated Negro student of the educational contact or a larger number "and a complete variety of fellow-students."

3. The argument of the states that "segregation laws are not maintained upon any contention of racial superiority" and are not "based upon discrimination, prejudice or hatred" is "nonsense." "I thought we had progressed so far since this fallacy was espoused by the majority [of the Supreme Court] in the *Plessy* case, not even a lawyer would make such a contention in 1950."

4. Because state authorities merely "think" non-segregation would cause public disorder is not sufficient to "deprive a large segment of our citizens * * * of their constitutional rights."

5. "The main issue before the court is whether segregation based upon race is compatible with our democratic precepts."

6. It is hoped the court will not evade this issue merely by ruling that equal facilities were not offered to Sweatt by Texas.

Thus, again, one side urges the court to reject its long-sustained interpretation of law on the ground that it is inconsistent with the "new" spirit of American democracy, and the other side insists this is not the function of the court but of the legislative bodies.

History of High Court On Civil Rights Issue

Amsterdam News Bat 6-17-50

WASHINGTON — Last week's decisions of the U. S. Supreme Court, which in fact outlawed Jim Crow in education and interstate railway travel, served to spotlight the work of the High Court and that of the Congress on civil rights, and the definition, recognition and protection of the rights of U. S. citizens.

The unanimous decisions, two of which were written by the Chief Justice, brought into sharp focus the fact that the Supreme Court has done and is doing a big job in bringing the Constitutional guarantees of citizens into line with the actualities and everyday racial relationship in this country.

Some observers make the blunt assertion that the High Court has already established itself as the guardian of the rights and duties of citizens, even if, in cases like Stuyvesant Town, the nine Justices of the Court refused to grant a judicial review, whereas the Congress has failed miserably in the discharge of the high responsibilities entrusted to it by the free franchise of the people.

Almost Dead

It is being stressed in the South that although the doctrine of "equal but separate facilities" for Negroes and whites has never been attacked or outlawed by the Supreme Court since it was handed down as a decision by the High Court in the case, Plessy vs. Ferguson, in 1896, the Supreme Court has been weakening the doctrine until last week it all but knocked it out entirely.

From 1896 to the present, the Court has rendered important rulings in the fields of the franchise and ballot, education, property rights, and interstate travel on trains and buses. In 1927, 1932, and 1944, the Court ordered Texas and the rest of the South not to bar Negro citizens from the use of the ballot in the Democratic primaries. The U. S. Court of Appeals in 1949 ruled the South Carolina Democrats must stop barring Negroes from the right to vote in the primaries.

On Covenants

The fight against restrictive real estate covenants began in 1917, when the Court ruled that cities could not make laws ordering Negroes and whites to live in Jim Crow areas. In 1948, the Department of Justice represented by the Solicitor-General, urged the High Court to "strike down and outlaw" covenants made by and between citizens that would bar a Negro or any other person from owning land or living in an area. The Supreme Court outlawed restrictive covenants.

While upholding the principles which support Jim Crow, the High Court held in 1914 that when state laws segregate Negroes and whites on trains and buses, equal accommodations must be provided. In 1941, the Court went further and ruled that when a Negro purchases first class accommodation, he must have it regardless of whether he rides with the whites. A larger victory was won in 1946, when the Court said that Jim Crow on trains and buses in interstate travel must end—no longer could railway and bus lines compel Negro passengers to ride Jim Crow if they cross state lines.

Last week's decisions struck down segregation of students at the University of Oklahoma; ended the bar against Negro students at the University of Texas, and wiped out segregation in dining cars on the trains of the Southern Railway System.

ASKS SUPREME COURT TO OUTLAW JIM CROW SCHOOLS

WASHINGTON, April 4—Challenging the whole concept of segregated educated education on the graduate and professional school levels, Thurgood Marshall, special counsel for the NAACP, today completed argument before the United States Supreme Court in the Sweatt and McLaurin cases.

Associated with Mr. Marshall in the cases was a distinguished battery of attorneys including Robert L. Carter, W. J. Durham, William R. Ming, Jr. James M. Nabrit and Amos T. Hall.

Mr. Marshall and his associates urged the Court to reverse its 54-year-old ruling that the states may provide "separate but equal" facilities for white and Negro citizens and to declare that to segregate is to discriminate and accordingly is unconstitutional.

The Supreme Court was asked to direct the University of Texas to admit Heman Marion Sweatt to its Law School, from which he has been barred solely because of race and to order the University of Oklahoma to cease segregating G. W. McLaurin in the use of the university facilities.

Writing in the magazine, The Reporter, Douglas Cater observes that a decision for Sweatt and McLaurin "might tumble the walls of segregation in education once and for all." Alarmed by this prospect, the attorneys general of eleven of the other southern states joined the legal representatives of the States of Texas and Oklahoma in opposing the plea.

The Issue Now Crystal Clear

Of three cases argued before the U. S. Supreme Court, last week, each challenging the validity of the "separate-but-equal theory," two of them, if seasoned court observers are to be believed, will very likely be decided in our favor.

The third one, it is felt, may go against us, largely on a technicality.

The case of Elmer Henderson vs. the Southern Railway and the Interstate Commerce Commission attacks the legality of Government-imposed segregation in travel, while the other two — McLaurin vs. Oklahoma and Sweatt vs. Texas — hit at segregation in education.

Each of the lawyers representing the three above-named appellants made a frontal attack upon the 54-year-old "separate-but-equal" segregation doctrine which was established in the Plessy vs. Ferguson case in 1896.

In addition, the Attorney General and the Solicitor General of the United States joined in asking the High Court to declare racial segregation unconstitutional.

Said Thurgood Marshall, NAACP special counsel, in the Sweatt case: "We have been trying for thirty years to get this issue (segregation is discrimination) before this court to get a ruling."

After two days of arguments, which attracted the largest crowds in the recent history of the U.S. Supreme Court, the nine-man tribunal took the issue under consideration. Just when one or all of the cases will be decided is problematical.

One thing, however, is certain; namely, that the court does not lack a complete record upon which to base its conclusions. Never before in history has the issue been made so crystal clear.

Simply stated, it is this: There can be no equality in separate treatment or accommodations, no matter in what area of public life they occur.

Attorneys of the NAACP have won eight memorable victories in the Supreme Court from 1942 to 1949. Much of their success is due to the fact that public-spirited citizens have contributed liberally to the NAACP Legal Defense and Educational Fund, whose annual budget has grown from less than $20.000 in 1942 to $145,000 in 1949.

Spearheading the drive for funds has been the "Committee of 100," Bishop Francis J. McConnell, chairman. To increase the effectiveness of this legal work, more funds than ever will be needed this year.

It costs plenty to follow a case through the lower courts and much more to take it all the way to our highest tribunal. Without adequate financial backing, the important legal victories which have been scored in voting and housing, for example, would never have been achieved.

In addition to these major victories, thousands of individual victims of injustice have been aided by the fund. We must support it to the limit. Unless we do, we have none but ourselves to blame if our progress is slowed down from a gallop to a walk.

In The Nation

An Historic Day in the Supreme Court

By ARTHUR KROCK

WASHINGTON, June 5—The hitherto easy-going observance of the "separate but equal" doctrine, which the Supreme Court in 1896 *(Plessy v. Ferguson)* decreed as satisfying the "equal protection" mandate of the Fourteenth Amendment, and which the states and interstate carriers have relied on to legalize racial segregation in schools and transportation facilities, was a mass of tatters today after the Court read three decisions. It still exists in the realm of judicial theory, the Chief Justice said it need not be "re-examined." But the net of the decisions was that "equal" must be as definitely proved as "separate," by tests which obviously will be difficult if not impossible for the states to meet, as Texas and Oklahoma failed to do today.

The Solicitor-General, Philip B. Perlman, did not induce the court to reverse *Plessy* and say that "separate but equal" facilities are repugnant to the Constitution because the very fact of segregating colored from white is a denial of colored equality under the laws. But he got the substance of what he was after, and unanimously. From now on a community must be able to prove beyond question that a segregated complainant receives educational services equivalent to those rendered the racial majority. And to do that will impose crushing financial burdens on the community.

Hence, while Mr. Perlman did not get the *Plessy* doctrine specifically overruled, he got the Supreme Court to put a price-tag on it which may have the same effect in numerous localities. And in the field of interstate transportation the Department of Justice completely carried its point—that segregation in dining-cars, etc., imposes an "undue disadvantage" on colored persons, sometimes on white also, that clearly violates the Constitution. In taking this position, which the Court sustained, the Department successfully attacked the finding of another arm of government—the Interstate Commerce Commission—that this type of segregation was within the law.

Mr. Vinson Sets a Limit

As in the case in which the Chief Justice declared for the Court that restrictive realty covenants, being repugnant to the law, were not by it enforceable, Mr. Vinson in the college segregation cases from Texas and Oklahoma did not attempt to extend legal restrictions to individual preferences in human association. In the covenants decision he said it was not illegal for a set of private persons to agree among themselves that they would not sell or rent their properties to members of specified groups, but they could not ask the courts to require any of their number to keep the compact. In deciding today the complaint of McLaurin, the Negro student at the Graduate School of the University of Oklahoma, the Chief Justice wrote:

> For some time the section of the classroom in which [McLaurin] sat was surrounded by a rail on which there was a sign stating "reserved for colored," but these have been removed. He is now assigned to a seat in the classroom specified for colored students; he is assigned to a table in the library on the main floor, and he is permitted to eat at the same time in the cafeteria as other students, although here again he is assigned to a separate table.
>
> These restrictions signify that the state * * * sets McLaurin apart from the other students. The result is that [he] is handicapped in his pursuit of effective graduate instruction [because these restrictions] impair and inhibit his ability to study, to engage in discussions and exchange views with other students * * *. State-imposed restrictions which produce such inequalities cannot be sustained.
>
> It may be argued that [he] will be in no better position when these restrictions are removed, for he may still be set apart by his fellow-students. This we think irrelevant. There is a * * * constitutional difference between restrictions imposed by the state * * * and the refusal of individuals to commingle when the state presents no such bar.

Facts Weighed Minutely

In the case from Texas, the Negro petitioner, Sweatt, was not, like McLaurin, admitted to the graduate school reserved for whites. A separate law school finally was arranged for his use. But the Chief Justice today for the Court said "we cannot conclude that the education offered [Sweatt] is substantially equal to that which he would receive if admitted to the University of Texas Law School," and "we hold that the equal protection clause of the Fourteenth Amendment requires that [Sweatt] be admitted" to the latter.

The facts on which the Supreme Court decided that McLaurin and Sweatt as students were not receiving the equality of opportunity assured by the Fourteenth Amendment, and that therefore the partial segregation of the one and the full segregation of the other must be abandoned, were so minutely inspected that litigation inevitably will follow, based on conditions in segregated primary and secondary public schools and colleges. The Court made it crystal clear today that it will sympathetically entertain any plea of inequality.

In the field of lower education, especially in the secondary public schools, the social bases of segregation are much broader and deeper than in the colleges. If and when the Supreme Court applies today's formula and solution to these, where it finds segregated facilities "unequal," the real test of community acceptance will come.

"SEPARATE BUT EQUAL"

The Supreme Court did not overturn the "separate but equal" doctrine in the three decisions involving segregation handed down yesterday. What the Court did seem to be saying in one opinion was that Negroes entering the Southern Railway Company's dining cars did not in fact receive facilities equal to those given white travelers. It was also true, as Justice Burton pointed out, that the railway's rules "impose a like deprivation upon white passengers," but it was not a white passenger who complained.

In two other opinions, involving the law schools of the Universities of Texas and Oklahoma, the finding was that Negro students were not offered, as Chief Justice Vinson said in the Texas case, a "legal education equivalent to that offered by the state to students of other races." The Court upheld the Negro's right to equality of treatment. In practice the full exercise of this right might mean an end to segregation. But this was not what the Court said.

Decisions such as this have a compelling power on the individuals, corporations or public agencies involved in them. They will not of themselves change folkways overnight. No matter what rules the Southern Railway Company or any other Southern railroad may adopt, some kind of segregation will doubtless persist on dining cars running into the Deep South. It will persist, too, in Southern universities. An individual belonging to a recognizable minority lacking political power may easily be denied privileges to which he is legally entitled. There are, sad to say, more or less subtle ways of achieving this.

The Supreme Court has stated what the law and the Constitution are as of this present date. It is good to have this statement made. This republic cannot recognize degrees of citizenship. But as long as considerable numbers of people, including the majority or dominant elements in whole communities, think differently, we cannot expect the millennium. The situation calls for a period of education—how long a period no one can say. Meanwhile, it is for the more liberal elements in the Southern states to see to it as well as they can that the broadening out of human rights is accomplished with as little friction as possible. There will need to be continued cooperation by the enlightened leaders of both races.

12d 1950

U.S. Supreme Court
Georgia County Unit Election System (Georgia Vote Law)

Court Asked To Reconsider County Unit Vote Decision

WASHINGTON—(AP)—The Supreme Court was urged yesterday to reconsider its recent refusal to strike down Georgia's county unit election system.

The high tribunal on April 17 held Federal Courts have no right to interfere with how a State geographically apportions its voting strength. Justices Douglas and Black dissented.

Two Georgia voters, Benard South and Harold C. Fleming, asked the court to reconsider and reverse its decision. They filed the appeal on which the tribunal acted on April 17.

Their appeal was from a decision by a special three-judge Federal District Court in Atlanta. The special court held the county unit system discriminates against city voters but that Federal Courts may not interfere. The Supreme Court affirmed this decision without the customary hearing of arguments.

South and Fleming protested that the Supreme Court had not given them an opportunity to present the merits of their case.

"We would pray that the court give the closest attention to the seriousness of the precedent which the decision now standing would establish," their petition for reconsideration stated.

"No decision of this court, we very respectfully but confidently assert, required the action taken on April 17. But if this decision stands then the court will, without argument and without a full presentation of the question, have forged a new precedent which will bind this court and future courts."

Supreme Court Lets Georgia's Vote Law Stand

Refuses to Interfere With Education Tests Held Aimed at Negro Ballots

WASHINGTON, May 1 (AP).—The Supreme Court refused today to interfere with a year-old Georgia law viewed as designed to curb Negro voting by excluding prospective voters to meet educational tests.

The law was described as Governor Herman Talmadge's "pet" measure in the 1949 Legislature. It required a complete re-registration of Georgia's 1,200,000 voters. This total includes 120,000 Negroes.

On April 17 the Supreme Court refused to consider an attack on another Georgia election law—the state' county-unit system. It is somewhat like the National Electoral College. Its opponents call it "an instrument of Negro disfranchisement."

The high court turned down that case, saying Federal Courts have no right to interfere with the way a state apportions its voting strength.

The appeal attacking the re-registration law was dismissed with the comment that no substantial Federal question is involved.

Governor Talmadge said the re-registration act fulfilled a campaign promise he made to end "the evils of bloc voting" by Negroes.

12d 1950

U.S. Supreme Court
Proportional Employment

PICKET BANS WIN IN SUPREME COURT

States' Laws Upheld That Bar Forcing Racial Job Quotas, Unionizing or Closing Time

Special to THE NEW YORK TIMES.

WASHINGTON, May 8 — The Supreme Court today banned picketing in three types of cases, upholding state laws in each. The opinions prohibited picketing when:

1. It sought to compel the hiring of Negro clerks in the same proportion as a store's white and colored customers.
2. It aimed to force workers into unions against their will.
3. It was designed to force employers to observe certain closing hours.

The rulings on proportional employment of Negro and white clerks and the one barring attempts to compel employes into unions were unanimous decisions by the eight justices participating.

The ruling in the case affecting closing hours of two used car dealers was 5 to 3. Justice William O. Douglas, who was recovering from a riding accident when the cases were argued took no part in any of the rulings.

Justice Felix Frankfurter delivered the opinion in the clerks' case. It resulted from an order issued by a country court against picketing of Lucky's Canal Street store in Richmond, Calif.

John Hughes and Louis Richardson, the pickets, were found guilty of contempt for violating an injunction. They were sentenced to two days in jail and fined $20.

The pickets justified their action on the ground that about 50 per cent of the store's customers were Negroes.

California's Policy Cited

Such picketing, however, it was held by the State Supreme Court, violated California's public policy against racial discrimination.

But the ruling was appealed to the highest tribunal on the ground that the injunction by the county court violated the Federal Constitution's guarantees of free speech and free assembly.

Justice Frankfurter disagreed with this contention. He said that the injunction had been drawn "to meet what California deemed the evil of picketing to bring about proportional hiring."

"To deny California the right to ban picketing in this case," said the ruling, "would mean that there could be no prohibition of the pressure of picketing to secure proportional employment on ancestral grounds of Hungarians in Cleveland, of Poles in Buffalo, of Germans in Milwaukee, of Portuguese in New Bedford, of Mexicans in San Antonnio, of the numerous minority groups in New York and so on through the whole gamut of racial and religious concentrations in various cities."

Justice Sherman Minton delivered the opinion that held employers could not be compelled to force workers into union membership.

Union Must Pay Damages

This case involved an order by a State of Washington court banning Local 262 of the Building Service Employes Union, American Federation of Labor, from picketing the Enetai Inn at Bremerton. The court held that the local was seeking to compel W. L. Gazzam. the innkeeper, to "coerce" his employes into joining the union.

Mr. Gazzam said that none of his employes was a union member. The state court banned picketing on the basis of a state law that states workers must be free from "interference, restraint or coercion" by employers in union matters. It directed the local union to pay Mr. Gazzam $500 damages because it had picketed his place of business.

Justice Minton found "no unwarranted restraint of picketing." He said that "abuse by workers or organizations of workers of the declared policy" or the Washington state law was "no more to be condoned than violation of prohibitions against judicial interference with certain activities of workers."

The ruling that a union may not seek to compel employers to observe certain closing hours involved two American Federation of Labor unions and two used car dealers in Seattle, Wash.

Justice Frankfurter, giving the majority of union in this case, said:

"We cannot find that Washington (State) has offended the Constitution with its anti-picketing law."

Justices Stanley F. Reed and Minton dissented.

Discrimination Voids Negro's Conviction

The Supreme Court yesterday overturned a murder conviction of a Texas Negro because of "intentional" excdlusion of Negroes from the grand jury which indicted him.

The ruling was 7 to 1, with three separate majority opinions. Justice Jackson disented and Justice Douglas took no part.

The court split 4 to 4 with Justice Clark taking no part in the case of a Federal judge who dismissed a Government anti-trust suit because the Government refused to disclose FBI files. The division of the court was not disclosed. The tie vote merely upheld the lower court in the case at isue, involving a number of oil companies. It was announced in a brief order by Chief Justice Vinson.

Holds Discrimination Shown

In the Texas case, Justice Reed (speaking also for Chief Justice Vinson and Justices Black and Clark) said the jury commissioners, who picked the grand jury panel, had stated that they chose jurymen only from those people with whom they were personally acquainted.

But, Reed said, such practices "in an area wheer Negroes make up so large a proportion of the population, prvoe the intentional exclusion that is discrimination in violation of Cassell's Constitutional rights."

The defendant was Lee Cassell of Dallas, convicted of crushing the skull of a sleeping watchman with an iron pipe during a burglary.

Reed said that "an accused is entitled to have charges against him considered by a jury in the selection of which there has been neither inclusion or exclusion because of race."

Jackson Sees No Prejudice

Jackson, in his dissent, argued that there was no evidence that the grand jury, even though it were illegal, had "prejudiced a defendant whom a trial jury, chosen with no discrimination, has convicted."

Justice Frankfurter (speaking for himself and Justices Burton and Minton) agreed with Reed but argued that the jury commissioners suffered under a "misconception" as to their duty. He noted that one Negro had been chosen in a number of recent grand juries and declared:

"The prohibition of the Constitution against discrimination because of color does not require in and of itself the presence of a Negro on a jury. But neither is it satisfied by Negro representation arbitrarily limited to one.

"It is not a question of presence in a grand jury nor absence from . The basis of selection cannot conscientiously take color into account. Such is the command of the Constitution."

Clark Explains Italy's Duty

Clark, in a separate opinion, attempted to spell out for the jury commissioners their responsibilities under the decision. He said their responsibility was to learn whether there were persons among the Negroes they did not know who were qualified and available for service."

In the 4-to-4 tie vote the case involved the Cotton Valley Operating Committee, the Ohio Oil Co. and the Magnolia Petroleum Co. among others. The Government charged, in a suit filed in Louisiana, that the firms had conspired to monopolize business in oil and gas in a Louisiana field.

The oil concerns asked Federal Judge Ben C. Dawkins to force the Government to produce records of FBI agents who had investigated the case under the anti-trust laws. The Justice Department offered to make some documents available but the judge ordered all records submitted to him to determine which should be kept secret.

At this, the Government declined to comply and the case was dismissed. The Government then took the appeal which brought the tie vote yesterday.

Justice Clarke, who took no part in the vote, faced the same problem while he was Attorney General. He was ordered to turn over FBI records in the Judith Coplon case in Washington and did so, whereupon the records were made public, much to FBI annoyance and embarassment.

Just what effect this new case will have on the Government's antitrust litigation was not clear last night. FBI agents normally do investigatory work for the Anti-Trust Division at Justice.

The Supreme Court yesterday also:

1. Decided 7 to 1 (Justice Burton dissenting) that when a bank knows the mailing addresses of interested persons it is not enough simply to publish notice of intent to liquidate a common trust fund. The opinion, by Justice Jackson, involved a New York State law.

2. Refusal to rule on the Maryland law banning marriage signs such as those at Elkton, Md. An Elkton minister had attacked the law's validity after being fined $5 for posting a sign. He contended the law violated freedom of religion.

The court yesterday announced it is raising legal fees charged by the clerk, the first such increase since 1943. The cost of bringing an unsuccessful case, for example, would jump from about $70 on the average to about $100 with other increases under a new flat-fee system.

Supreme Court, Citing Bias, Upsets Slaying Conviction of Texas Negro

In 7-to-1 Decision, Tribunal Says Members of His Race Were Intentionally Excluded From the Grand Jury That Indicted Him

Special to The New York Times

WASHINGTON, April 24—On the ground that members of his race had been intentionally excluded from the grand jury that indicted him, the Supreme Court today reversed, 7 to 1, the murder conviction and death sentence of Lee Cassell, a Texas Negro.

He was convicted of killing a sleeping watchman with a piece of iron pipe in order to rob a Dallas store. The decision was one of a long line by the Supreme Court protecting the rights of minorities in recent years.

Justice Stanley Reed wrote the majority opinion, joined by Chief Justice Fred M. Vinson and Justices Hugo L. Black and Tom C. Clark. Justice Felix Frankfurter submitted a concurring opinion, shared by Justices Harold H. Burton and Sherman Minton. Justice Clark wrote a concurrence, while Justice Robert H. Jackson presented the dissent. Justice William O. Douglas did not participate.

The court did not bar a new indictment, and this fact, it is said, could allow the State of Texas to submit the case to a new grand jury if it desired.

The Texas Supreme Court found that racial discrimination had not been practiced in choosing the grand jury, but Justice Reed held that there had been deliberate exclusion.

Acting under Texas laws, the Dallas Grand Jury Commissioners selected a list of sixteen men, from which the judge chose twelve for the panel. The commissioners did not include a Negro, saying they knew of none who was qualified. The also selected jurymen, the commissioners added, only from those persons with whom they were prseonally acquainted.

Reversing the Texas Supreme Court, Justice Reed said that it was not difficult to ascertain an individual's qualifications for grand jury service, and the Supreme Court must assume that a large proportion of Dallas County Negroes were suitable.

"It was the duty (of the commissioners)," he dded, "to familiarize themselves fairly with the qualifications of the eligible jurors of the county without regard to race and color. They did not do so, and the result has been racial discrimination.

"The statements of the jury commissioners that they chose only whom they knew, and that they knew of no eligible proportion of the population in an area where Negroes made up so large a proportion of the population prove the intentional exclusion that is discrimination in violation of (Cassell's) constitutional rights."

Justice Jackson, in his dissent, readily agreed that "discriminatory exclusion" of Negroes from a trial jury would abrogate a conviction. A grand jury, however, he said, was a "very different institution," for its power "is only to accuse, not to convict." The grand jury indictment, he added, "merely puts the accused to trial."

Mr. Jackson said that he did not see how the Supreme Court could escape finding that any discrimination in choosing the grand jury, "however great the wrong toward qualified Negroes of the community, was harmless" to Cassell.

"To conclude otherwise," he added, "is to assume that Negroes qualified to sit on a grand jury would refuse even to put to trial a man whom a lawfully chosen trial jury found guilty beyond a reasonable doubt."

In The Nation

Government's New Role in the Segregation Cases

By ARTHUR KROCK

WASHINGTON, May 11—The Solicitor General of the United States, Philip B. Perlman, has filed with the Supreme Court two statements on segregation practices that move the Government into a position on this subject it has never before assumed. If the Supreme Court accepts the basic constitutional argument offered by Mr. Perlman, American Governments in the foreseeable future will be committed to maintain it.

He joined the Government to the argument that the "separate and equal" principle, which in 1896 *(Plessy v. Ferguson,* where the issue was separate railroad accommodations for Negroes) the Supreme Court ruled was in harmony with the Constitution, is not so and should be struck down by the present court. Perlman applied this contention not only to educational facilities, but to transportation and those generally known as "social services," and to any form of racial, color and religious segregation.

"Unless the Supreme Court should definitely [illegible] the contrary," the Solicitor General wrote to this correspondent, "it would be most unlikely that the Government would ever change its position, never taken before, that the *Plessy* rule is unsound, and that separate but equal, or equal but separate, violates the Constitution. I think you will agree that the Government, absent a contrary ruling * * * is permanently committed to the proposition, no matter what party may happen to win elections."

It does not require Mr. Perlman's long experience in practical politics to recognize the strong probability of that forecast. And in the documents he submitted to the Supreme Court he took every conceivable measure to obtain a straight-out rejection of the doctrine in *Plessy.*

The Defendant as Plaintiff

He argued in one brief and one memorandum that the "separate but equal" theory is wrong as a matter of law, history and policy. * * * Moreover, the fact of racial segregation is itself a manifestation of inequality and discrimination." And, standing squarely on this, Mr. Perlman supported it as follows:

Under the [railroad dining car] regulations here involved, persons traveling together, if they are of different color, cannot eat together, regardless of their personal desires. Even if he so wishes a white passenger is forbidden to sit at a colored table. * * * The regulations do not merely carry out the prejudices of some members of the community; they compel everyone else to abide by such prejudices.

This refers to one of the cases before the court *(Henderson v. the United States, Interstate Commerce Commission and Southern Railway Company),* in which the Government, represented by the Department of Justice, did an unusual thing. Henderson, a Negro, sued to set aside a lower court decision and an order of the I. C. C. approving the railway regulations by which he was segregated and basing this approval on the "separate and equal" doctrine. Though the United States was made a defendant, since the I. C. C. is a part of it. Mr. Perlman filed his brief on Henderson's side of the argument, writing, "The United States is of the view * * * that the order of the I. C. C. is invalid."

The department opposed the I. C. C. once before in court on a segregation issue, but that controversy *(Mitchell v. the United States)* dealt with discrimination charged in the form of less desirable railroad accommodations. In the Henderson case, however, the Government for the first time contends that all such regulations are unconstitutional. As Mr. Perlman observed, this is a notable fact for the record.

The Law School Cases

In his memorandum in the cases where Negro law students are the petitioners, Mr. Perlman made their complaints those of the Government, writing:

> McLaurin and Sweatt are Negroes. For that reason alone they have been subjected under the laws of the states in which they live to various educational restrictions not imposed on white students. McLaurin is required [by the University of Oklahoma] to sit at a special desk. * * * he may eat in the school cafeteria * * * but only at a different time and at a table specially set apart for his use. Sweatt has been excluded from the University of Texas Law School * * * and has been offered the privilege of applying to a new law school, for Negroes only, which the state has undertaken to establish. * * * The court is here asked to place the seal of constitutional approval upon an undisguised species of racial discrimination.

In this space recently the briefs of Texas and of Sweatt, pro and con, were summarized, the former revealing how the states are relying on the doctrine in *Plessy,* and on other cases where the court has left undisturbed the power of the states to segregate and their point that they are not obliged to give higher education to anyone. In his submissions Mr. Perlman met the *Plessy* decision head-on and advanced the Federal Government to new grounds of law and public policy. By so doing he obviously is striving to get a clean-cut decision on the broad issue, and to bar any exit the court might take by confining itself to the question whether these "separate" facilities are in fact "equal."

Segregation, Oil Cases Still Face High Court

Justices Skip Decision To Work on Score of Cases

WASHINGTON—(UP)—The Supreme Court headed into the windup of its 1949-50 Fall-Spring term yesterday with two controversial issues still hanging fire—racial segregation and the Gulf of Mexico tidelands oil dispute.

SUPREME COURT

The Justices will skip the usual "decision day" today to work on a score or more of opinions. They hope to get them out of the way and adjourn on June 5 until October. In any event, they will have handed down about 100 decisions during the term.

The race and on-lands cases were left until the end of the session so that Justice William O. Douglas could help decide them. Douglas was away from the bench from October until March recovering from a horseback riding accident.

On the race issue the Court either could renounce or reaffirm its 54-year-old doctrine that segregation of Negroes and whites is legal as long as both receive "equal treatment." But there also is the possibility the Court will skirt the question by disposing of the cases on technical grounds.

Three Negroes have asked the Justices to toss out the 1896 decision.

Elmer W. Henderson, director of the American Council on Human Rights, is fighting for an end to segregation in railroad dining cars. He was denied a seat on a Southern Railway diner because of his race while a member of the President's Fair Employment Practices Committee.

Two other Negroes are challenging segregation in State-supported universities. They are Heman Marion Sweatt, who was denied admission to the University of Texas law School, and G. W. McLaurin, who is attending the University of Oklahoma graduate school on a segregated basis.

Southern States have told the Court the school system in the South would be thrown into chaos if they did not retain their "police power" to separate the races.

The oil case is another chapter in the long fight between the States and the Federal Government over oil-rich deposits lying off shore. The Court has ruled that the Federal Government has "paramount" rights to oil lands off the California Coast.

The business world also is eagerly awaiting a Court ruling on the right of a wholesaler to quote diferent prices to customers in the same area if he is trying to meet competition. The question was taken the Court by the Standard Oil Company of Indiana.

Another case involves the right of an alien convicted by Army tribunals overseas to call on the Federal Courts to test the legality of his imprisonment. Twenty-one Germans now in Landsberg prison, Germany, brought the issue before the High Court. Its decision will afect thousands of aliens held in former enemy countries.